

EXHIBIT A

1
2
3 UNITED STATES BANKRUPTCY COURT
4 DISTRICT OF CONNECTICUT
5 BRIDGEPORT DIVISION

6 -----X
7 IN RE: Chapter 11
8 HO WAN KWOK, Case No: 22-50073 (JAM)
9 Debtor.
10 -----X

11 VIDEOTAPED DEPOSITION OF [REDACTED]

12 Seven Times Square

13 New York, New York

14 November 11, 2022

15 9:23 a.m.
16
17

18 * HIGHLY CONFIDENTIAL *
19

20 This transcript portions contains information subject
21 to a Protective Order and shall be used only in
22 accordance therewith.
23

24 Reported By:
25 Cheryll Kerr, CSR
Job No. 219537

<p style="text-align: right;">Page 2</p> <p>1 UNITED STATES BANKRUPTCY COURT 2 DISTRICT OF CONNECTICUT 3 BRIDGEPORT DIVISION -----X 4 5 IN RE: Chapter 11 6 HO WAN KWOK, Case No: 22-50073 (JAM) 7 Debtor. 8 -----X 9 10 11 VIDEOTAPED DEPOSITION OF [REDACTED] held at the 12 offices of Brown Rudnick, LLP, located at Seven Times 13 Square, New York, New York, before Cheryl Kerr, CSR, a 14 Certified Shorthand Reporter and a Notary Public, on 15 Friday, November 11, 2022, at 9:23 a.m. 16 17 18 * HIGHLY CONFIDENTIAL * 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES: 2 COUNSEL FOR DEBTOR AND THE WITNESS: 3 ZEISLER & ZEISLER, P.C. 4 BY: ERIC HENZY, ESQ. 5 10 Middle Street 6 Bridgeport, CT 06604 7 8 COUNSEL FOR CHAPTER 11 TRUSTEE: 9 PAUL HASTINGS, LLP 10 BY: AVRAM LUFT, ESQ. 11 BY: NICHOLAS BASSETT, ESQ. 12 BY: LUC DESPINS, ESQ. 13 BY: WENLONG ZHUGE, ESQ. 14 200 Park Avenue 15 New York, NY York 10166 16 17 COUNSEL FOR PACIFIC ALLIANCE: 18 O'MELVENY & MYERS, LLP 19 BY: STUART SARNOFF, ESQ. 20 Seven Times Square 21 New York, NY 10036 22 23 Also Present: 24 Jingyi Wang, Chinese interpreter; [REDACTED]; 25 Edwin Arlequin, videographer *** **</p>
<p style="text-align: right;">Page 4</p> <p>1 2 INDEX 3 EXAMINATION BY PAGE 4 Direct examination by Mr. Luft 8 5 Cross-examination by Mr. Henzy 138 6 Redirect examination by Mr. Luft 140 7 8 EXHIBITS 9 [REDACTED] 10 FOR ID DESCRIPTION PAGE 11 Exhibit 1 Debtor's Objection to Motion 21 12 of Chapter 11 Trustee for Entry 13 of Order Holding Debtor in Civil 14 Contempt for Failure to Comply 15 with Corporate Governance Rights 16 Order 17 Exhibit 2 Transcript of Telephonic 341 104 18 Meeting of Creditors dated 19 March 21, 2022 20 Exhibit 3 Transcript of Continued 104 21 341 Meeting of Creditors 22 dated April 6, 2022 23 24 25 (Continued on the next page)</p>	<p style="text-align: right;">Page 5</p> <p>1 INDEX (Cont.) 2 3 REQUESTS FOR INFORMATION 4 DESCRIPTION PAGE 5 Production of audio and email Ms. Francis sent 55 6 witness with the electronic transcript 7 8 Production of email 57 9 10 Production of copies of [REDACTED] work 94 11 with regard to her opinions as well 12 13 Production of emails witness described between 137 14 herself and Ms. Francis and any other counsel 15 representative of Mr. Kwok 16 17 18 19 20 21 22 23 24 25</p>

Page 6

Page 7

1 [REDACTED] - Highly Confidential
 2 THE VIDEOGRAPHER: Good morning. This is
 3 the start of media labeled No. 1 of the video
 4 recorded deposition of [REDACTED] in the
 5 matter In Re: Ho Wan Kwok.

6 This deposition is being held at Brown
 7 Rudnick, LLP, Seven Times Square, Floor 47,
 8 New York, New York, on November 11, 2022 at
 9 approximately 9:23 a.m.

10 My name is Edwin Arlequin. I am the
 11 legal video specialist from TSG Reporting,
 12 Inc., headquartered at 228 East 45th Street,
 13 Suite 810, New York, New York 10017.

14 The court reporter is Cheryl Kerr, in
 15 association with TSG Reporting. Counsel,
 16 please introduce yourselves.

17 MR. LUFT: Avi Luft, of Paul Hastings, on
 18 behalf of the Chapter 11 trustee in In Re: Ho
 19 Wan Kwok.

20 MR. BASSETT: Nick Bassett, from Paul
 21 Hastings, also on behalf of the Chapter 11
 22 trustee.

23 MR. ZHUGE: Wenlong Zhuge, Paul Hastings,
 24 also on behalf of the Chapter 11 trustee.

25 MR. DESPINS: Luc Despins, Chapter 11

Page 8

Page 9

1 [REDACTED] - Highly Confidential
 2 THE SHORTHAND REPORTER: Thank you.
 3 Please proceed, Counsel.

4 DIRECT EXAMINATION

5 BY MR. LUFT:

6 Q. Good morning, [REDACTED] How are you?

7 A. Good morning. Fine, thank you.

8 Q. My name is Avi Luft. I am an attorney for
 9 the Chapter 11 trustee. Have you ever been deposed
 10 before?

11 A. No.

12 Q. Okay, so the first thing I'm going to
 13 mention, just so you know, is you just shook your head,
 14 and the court reporter needs all answers to be audible.

15 A. Uh-huh.

16 Q. So even if I can see you, she may ask you or
 17 I may ask you to repeat and answer if there's not an
 18 audible answer.

19 Is that okay?

20 A. Okay.

21 Q. So why don't we go over some limit flares
 22 about how a deposition works?

23 A. Okay.

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1 [REDACTED] Highly Confidential
 2 trustee.

3 MR. HENZY: Eric Henzy, Zeisler &
 4 Zeisler. I'm at this deposition on behalf of
 5 [REDACTED]

6 THE VIDEOGRAPHER: Will the court
 7 reporter please swear in the witness?

8 MR. HENZY: Can first may I make a
 9 statement on the record?

10 Pursuant to paragraph 15 of the
 11 protective order entered in this case, I am
 12 designating this deposition transcript and all
 13 exhibits as designated material and, given the
 14 timeline, as highly confidential.

15 MR. LUFT: Sorry. We do not concede that
 16 this material will be highly confidential or
 17 properly designated.

18 After the deposition, an assessment can
 19 be made based on what is actually testified
 20 to.

21 [REDACTED]
 22 called as a witness, having been duly
 23 sworn, was examined and testified
 24 as follows:

1 [REDACTED] - Highly Confidential

2 Q. I am going to ask you a question.

3 A. Uh-huh.

4 Q. If for any reason you don't understand the
 5 question I've asked, please let me know if it's unclear.
 6 Is that okay?

7 A. Okay.

8 Q. If you don't tell me something's unclear, I
 9 will assume that you understand my question. Is that
 10 okay?

11 A. Okay.

12 Q. Periodically, Mr. Henzy may decide he has an
 13 objection to one of my questions. He may interpose an
 14 objection.

15 That's fine. Okay?

16 A. Okay.

17 Q. Unless Mr. Henzy instructs you not to answer
 18 my question, despite the fact he may have made an
 19 objection, you may proceed to answer my question.

20 A. Yes.

21 Q. Is that okay?

22 A. Okay.

23 Q. Have you attended depositions before?

24 A. Yes.

25 Q. So you have some familiarity, and I apologize

Page 10

1 [REDACTED] - Highly Confidential
 2 if this is redundant.
 3 A. It's fine.
 4 Q. Okay. If for some reason today you need to
 5 take a break, I'd ask that you let me know, and if it's
 6 a convenient time, we will do so.
 7 A. Okay.
 8 Q. If not, I'll try to get one to you as quickly
 9 as I can.
 10 Is that okay?
 11 A. Okay.
 12 Q. The one thing I ask is that if I have a
 13 question pending to you, that you answer the question
 14 before we take any break.
 15 A. Yes.
 16 Q. Okay?
 17 A. Okay.
 18 Q. Great.
 19 I will also do my best not to talk over you or at
 20 the same time you're talking, and I'll ask you to do the
 21 same, because it's very hard for the court reporter. Is
 22 that okay?
 23 A. Okay.
 24 Q. Okay.
 25 MR. HENZY: The last thing is we do want

Page 12

1 [REDACTED] - Highly Confidential
 2 anyone else in this matter?
 3 A. I am not entirely sure.
 4 Q. Are you paying for Mr. Henzy's service today?
 5 A. No.
 6 Q. Who is paying for Mr. Henzy's service?
 7 A. I have no idea.
 8 (Thereupon, an informal discussion was
 9 held off the record with the shorthand
 10 reporter.)
 11 THE WITNESS: I said I really have no
 12 idea.
 13 BY MR. LUFT:
 14 Q. How did Mr. Henzy come to represent you?
 15 A. I was --
 16 MR. HENZY: I'm going to, actually,
 17 object. That --
 18 Objection, based on privilege, so you
 19 don't need to answer the question.
 20 THE WITNESS: Okay.
 21 MR. LUFT: I'm sorry.
 22 So you're instructing -- are you
 23 instructing [REDACTED] not to answer?
 24 MR. HENZY: I'm instructing [REDACTED] not to
 25 answer.

Page 11

1 [REDACTED] - Highly Confidential
 2 to review.
 3 THE SHORTHAND REPORTER: Okay.
 4 MR. HENZY: Thank you.
 5 MR. LUFT: Great.
 6 BY MR. LUFT:
 7 Q. Is there any reason you can't give truthful
 8 testimony today?
 9 A. No.
 10 Q. Terrific. And you understand that you're
 11 under oath?
 12 A. Yes.
 13 Q. Could you just state your name for the
 14 record?
 15 A. [REDACTED]
 16 Q. And your address?
 17 A. [REDACTED]
 18 Q. [REDACTED] are you represented by counsel
 19 today?
 20 A. Yes.
 21 Q. Who is that?
 22 A. Mr. Eric Henzy.
 23 (Pause.)
 24 BY MR. LUFT:
 25 Q. Okay. Do you know if Mr. Henzy represents

Page 13

1 [REDACTED] - Highly Confidential
 2 MR. LUFT: What is the privilege?
 3 MR. HENZY: It -- how [REDACTED] became -- came
 4 to be represented by me was based on
 5 conversations I had with [REDACTED] so --
 6 MR. LUFT: But they are not legal advice,
 7 right?
 8 BY MR. LUFT:
 9 Q. I just want to know how you came to the
 10 decision --
 11 MR. HENZY: A client's decision to be
 12 represented or not represented involves legal
 13 advice.
 14 MR. LUFT: Okay.
 15 MR. HENZY: Okay.
 16 BY MR. LUFT:
 17 Q. When was the first time you spoke to
 18 Mr. Henzy?
 19 MR. LUFT: I don't --
 20 By the way, my "okay" was not agreement
 21 with you. I'm just moving on.
 22 MR. HENZY: Okay.
 23 BY MR. LUFT:
 24 Q. When did you first speak to Mr. Henzy?
 25 (Pause.)

Page 14

1 [REDACTED] - Highly Confidential
 2 THE WITNESS: I'm not exactly sure about
 3 the date.
 4 (Pause.)
 5 THE WITNESS: You know, I actually cannot
 6 be sure.
 7 BY MR. LUFT:
 8 Q. What's your best recollection of when you
 9 first spoke to Mr. Henzy?
 10 A. I cannot be sure whether it is within this
 11 week or last week.
 12 Q. Did you reach out to Mr. Henzy for
 13 representation initially?
 14 MR. HENZY: Objection.
 15 Same objection. Attorney-client
 16 privilege. How [REDACTED] came to be represented?
 17 THE WITNESS: No.
 18 MR. HENZY: You can -- you can -- you can
 19 claim it with the judge.
 20 BY MR. LUFT:
 21 Q. All I'm asking is: Did you call Mr. Henzy or
 22 did Mr. Henzy call you initially?
 23 A. No --
 24 MR. HENZY: You can answer.
 25 THE WITNESS: No telephone calls.

Page 16

1 [REDACTED] - Highly Confidential
 2 [REDACTED] not to follow her counsel's instruction?
 3 Are you going to give her advice?
 4 MR. LUFT: No, Eric. The way it works is
 5 if you give [REDACTED] an instruction, I have to ask
 6 [REDACTED] if [REDACTED] going to follow it.
 7 MR. HENZY: And [REDACTED] said -- and [REDACTED]
 8 answered --
 9 (Thereupon, an informal discussion was
 10 held off the record with the shorthand
 11 reporter.)
 12 MR. HENZY: Okay.
 13 MR. LUFT: I didn't give [REDACTED] any advice.
 14 Please don't mischaracterize what I said.
 15 MR. HENZY: Okay.
 16 BY MR. LUFT:
 17 Q. So I'll ask you again:
 18 Are you going to follow your counsel's instruction
 19 not to answer?
 20 A. Yes.
 21 Q. Okay. Did Mr. Henzy contact you by phone?
 22 A. No.
 23 Q. Did he contact you by email?
 24 (Pause.)
 25 THE WITNESS: I was contacted by Mr.

Page 15

1 [REDACTED] - Highly Confidential
 2 BY MR. LUFT:
 3 Q. How did you first contact Mr. Henzy? By what
 4 means?
 5 A. I did not contact Mr. Henzy.
 6 Q. Okay. Did Mr. Henzy contact you?
 7 MR. HENZY: So objection on privilege.
 8 MR. LUFT: It's a "yes" or "no" question.
 9 MR. HENZY: You can argue, Avi.
 10 I get it, but I'll instruct the witness
 11 not to answer.
 12 MR. LUFT: But I don't want to have a
 13 deposition where I have -- it's an improper
 14 objection.
 15 MR. HENZY: Okay. That's fine.
 16 BY MR. LUFT:
 17 Q. Did Mr. Henzy contact you?
 18 MR. HENZY: Okay.
 19 And objection. I'm going to instruct you
 20 not to answer.
 21 BY MR. LUFT:
 22 Q. Do you --
 23 Are you going to follow your counsel's instruction?
 24 A. I think I should.
 25 MR. HENZY: Are -- are you going to ask

Page 17

1 [REDACTED] - Highly Confidential
 2 Henzy's firm.
 3 BY MR. LUFT:
 4 Q. Who from Mr. Henzy's firm contacted you?
 5 MR. HENZY: Objection. I -- same
 6 objection.
 7 MR. LUFT: I'm just asking for a name.
 8 MR. HENZY: Understand. Understand.
 9 Objection, privilege. I'm going to
 10 instruct [REDACTED] not to answer.
 11 BY MR. LUFT:
 12 Q. Are you going to follow your counsel's
 13 instruction?
 14 A. Yes.
 15 Q. Was it someone from Mr. Henzy's firm who
 16 initially contacted you or someone else?
 17 A. Mr. Henzy's firm.
 18 Q. Was it a lawyer at Mr. Henzy's firm?
 19 A. I think so. I'm not sure.
 20 (Pause.)
 21 BY MR. LUFT:
 22 Q. Did they offer to represent you?
 23 MR. HENZY: Objection, attorney-client
 24 privilege. I'm instructing you not to answer.
 25

Page 18

1 [REDACTED] - Highly Confidential
 2 (Indistinguishable crosstalk.)
 3 MR. LUFT: I'm speaking before you have
 4 any relationship with the witness. I'm just
 5 asking if you approached [REDACTED] and offered to
 6 represent [REDACTED]. That's not giving [REDACTED] advice.
 7 MR. HENZY: I've objected and instructed
 8 [REDACTED] not to answer.
 9 BY MR. LUFT:
 10 Q. Are you going to follow your counsel's
 11 instruction?
 12 A. Yes.
 13 Q. Did Mr. Henzy's firm tell you who would pay
 14 for his services?
 15 A. No.
 16 Q. Do you know if you are responsible for paying
 17 for his services today?
 18 A. I don't know if I'm responsible. I'm not
 19 going to pay.
 20 Q. Did you tell Mr. Henzy?
 21 A. Yes.
 22 Q. Okay.
 23 A. I don't think I should pay.
 24 (Pause.)
 25

Page 20

1 [REDACTED] - Highly Confidential
 2 A. I don't know.
 3 MR. HENZY: Objection. Objection.
 4 Vague, ambiguous, but --
 5 THE WITNESS: I don't know.
 6 MR. HENZY: Is it [REDACTED] intention?
 7 I'm not -- I'm not -- I don't -- I'm not
 8 trying to make speaking objections, Avi. I'm
 9 not, but I think it's vague.
 10 BY MR. LUFT:
 11 Q. Do you know what the word "intention" means?
 12 A. I know the word "intention."
 13 Q. Okay.
 14 A. But I can answer your question --
 15 Q. Please.
 16 A. -- for the question you just asked. I didn't
 17 know there was a hearing.
 18 Q. Okay. Has anyone spoken to you about giving
 19 testimony before the court?
 20 A. About?
 21 Q. In connection with the contempt motion that
 22 we are here about today.
 23 A. No.
 24 Q. No? Okay.
 25 MR. LUFT: I'm going to mark as Exhibit 1

Page 19

1 [REDACTED] - Highly Confidential
 2 BY MR. LUFT:
 3 Q. Do you have any idea who is paying for
 4 Mr. Henzy's services today?
 5 MR. HENZY: Objection, asked and
 6 answered.
 7 THE WITNESS: No.
 8 BY MR. LUFT:
 9 Q. Do you know if Mr. Henzy's client, Miles
 10 Kwok, is paying for his services today?
 11 A. I don't know.
 12 Q. Do you know if a member of Mr. Kwok's family
 13 is paying for Mr. Henzy's services today?
 14 A. I don't know.
 15 (Pause.)
 16 BY MR. LUFT:
 17 Q. How did you first come to be involved in this
 18 issue?
 19 MR. HENZY: Objection.
 20 THE WITNESS: What issue?
 21 MR. HENZY: Vague, ambiguous.
 22 MR. LUFT: That's fine.
 23 BY MR. LUFT:
 24 Q. Is it your intention to give testimony at the
 25 contempt hearing next week?

Page 21

1 [REDACTED] - Highly Confidential
 2 a copy of Debtor's Objection to Motion of
 3 Chapter 11 Trustee for Entry of Order Holding
 4 Debtor in Civil Contempt for Failure to Comply
 5 with Corporate Governance Rights Order.
 6 (Thereupon, a document was marked by the
 7 shorthand reporter as [REDACTED] Exhibit 1 for
 8 identification.)
 9 (An informal discussion was held off the
 10 record.)
 11 MR. HENZY: One second, Avi. I don't
 12 think there's any question.
 13 MR. LUFT: Do you want to go off the
 14 record?
 15 MR. HENZY: I want to go off the record.
 16 MR. LUFT: I'm good.
 17 Just let me lay this foundation, and we
 18 can go. We can take a break. I just want to
 19 ask [REDACTED] a quick question, just to finish my
 20 thought.
 21 MR. HENZY: Okay. There's no question
 22 pending, and I want to talk to my client.
 23 There's no question pending.
 24 MR. LUFT: Well, there is. I put an
 25 exhibit in front of [REDACTED] I'm about to ask the

Page 22

1 [REDACTED] - Highly Confidential
 2 question. I'm in the middle of a question.
 3 MR. HENZY: Go ahead.
 4 (Pause.)
 5 BY MR. LUFT:
 6 Q. Okay. [REDACTED] I'm going to ask you to
 7 turn to page 11 of the Debtor's Objection to Motion of
 8 Chapter 11 Trustee for Entry of Order Holding Debtor in
 9 Civil Contempt for Failure to Comply with Corporate
 10 Governance Rights Order, which is marked as Exhibit 1.
 11 Do you see the first full sentence on the top of
 12 page 11 says:
 13 "At any hearing on the motion, debtor will put on
 14 testimony from an interpreter as to the many material
 15 deficiencies in the official translation of the 341
 16 meeting?"
 17 Do you see that?
 18 A. Yes.
 19 Q. Are you the interpreter referenced in this
 20 paragraph?
 21 (Pause.)
 22 MR. HENZY: Objection.
 23 THE WITNESS: I --
 24 MR. HENZY: Well, objection.
 25 It's vague and ambiguous, but you can

Page 24

1 [REDACTED] - Highly Confidential
 2 Q. Do you have other plans on Tuesday?
 3 A. I'm going to be the interpreter. I don't
 4 know whether I'll be asked to give testimony.
 5 Q. You don't recall if anyone's asked you to do
 6 that?
 7 A. I can't exactly remember.
 8 MR. LUFT: Okay. Why don't we take --
 9 give you your break right now?
 10 MR. HENZY: Okay.
 11 MR. LUFT: We can go off the record.
 12 THE VIDEOGRAPHER: The time is 9:39 a.m.
 13 We're going off the record.
 14 (Recess taken at 9:40 a.m.)
 15 (Resumed at 9:45 a.m.)
 16 THE VIDEOGRAPHER: The time is 9:45 a.m.
 17 We're back on the record.
 18 BY MR. LUFT:
 19 Q. [REDACTED] I understand you've had a
 20 chance to speak with your counsel.
 21 A. Yes.
 22 Q. Is it your understanding that you will not be
 23 testifying at the hearing on Tuesday on behalf of
 24 Mr. Kwok?
 25 A. No, that is not my understanding.

Page 23

1 [REDACTED] - Highly Confidential
 2 answer, if you can.
 3 THE WITNESS: It might be. I'm not 100
 4 percent sure.
 5 BY MR. LUFT:
 6 Q. Okay. Are you planning to offer testimony at
 7 the hearing on this contempt motion as to the "many
 8 material deficiencies" in the official translation of
 9 the 341 meeting?
 10 A. As far as I know, that I'm only here to be
 11 deposed today.
 12 Q. No one has spoken to you about offering any
 13 other testimony at the hearing?
 14 A. No, I don't think so.
 15 Q. Okay. Do you know --
 16 A. Hang --
 17 Q. -- what --
 18 A. Hang on. I don't think so, but maybe my
 19 memory is at fault.
 20 Q. Well, the hearing's Tuesday.
 21 A. Yeah.
 22 Q. Has anyone asked you to give testimony -- be
 23 in Connecticut to give testimony in court on Tuesday?
 24 A. I can't remember. I don't think so, but --
 25 you know. Like I said, maybe my memory is at fault.

Page 25

1 [REDACTED] - Highly Confidential
 2 Q. Okay.
 3 A. That is -- that I was not testifying.
 4 Q. Sorry. I don't -- I didn't mean it to be a
 5 negative. Sorry.
 6 I'm just asking if you are going to testify on
 7 behalf of Mr. Kwok on Tuesday.
 8 A. Yes.
 9 Q. Very good. Good. Now we're on the same
 10 page.
 11 MR. HENZY: [REDACTED] got the -- [REDACTED] got it. I
 12 didn't, but it's good. We're okay.
 13 BY MR. LUFT:
 14 Q. [REDACTED] I'm going to ask you to look
 15 back at Exhibit 1, same page, page 11.
 16 A. Uh-huh.
 17 Q. When did you first tell counsel for Mr. Kwok
 18 that there are many material deficiencies in the
 19 translation of the 341 meeting?
 20 (Pause.)
 21 THE WITNESS: Do you mind if I ask you to
 22 clarify one thing for me?
 23 BY MR. LUFT:
 24 Q. Of course.
 25 A. This is asking about -- you're asking me when

Page 26

1 [REDACTED] - Highly Confidential
 2 I was -- when I first time told Mr. Kwok about the
 3 deficiencies on the material of the translation --
 4 Q. Sorry, [REDACTED] Let me try it again.
 5 A. Okay.
 6 Q. Okay, so the first sentence of the debtor's
 7 pleading on page 11 is "At any hearing on the motion,
 8 the debtor will put on testimony from an interpreter as
 9 to the many material deficiencies in the official
 10 translation of the 341 meeting."
 11 My understand is that you are that interpreter. Is
 12 that your understanding?
 13 A. Yes.
 14 Q. Okay. My question is:
 15 When did you first tell counsel for the debtor that
 16 there were many material deficiencies in the official
 17 translation of the 341 meeting?
 18 A. At that 341 meeting.
 19 Q. Okay. You told counsel for the debtor at the
 20 time that there were many material deficiencies?
 21 A. Yes.
 22 Q. Okay. When did you first tell debtor's
 23 current counsel that there were many material
 24 deficiencies in the official translation of the 341
 25 meeting?

Page 28

1 [REDACTED] - Highly Confidential
 2 A. Everyone -- you know, just everyone in the
 3 room would know, yes.
 4 Q. Okay. I'll make it broader.
 5 A. Yes.
 6 Q. When you heard a material deficiency in the
 7 translation of the 341, you let everyone at the 341
 8 meeting know, including --
 9 A. Yeah.
 10 Q. -- the official translator?
 11 A. Yes.
 12 Q. Okay. Is there any other way --
 13 MR. LUFT: Let me strike that.
 14 BY MR. LUFT:
 15 Q. Were there material deficiencies in the
 16 transcript that you heard that you said nothing about?
 17 (Pause.)
 18 THE WITNESS: I don't think so. However,
 19 "material" is for me -- probably is different
 20 from what you think material, but for me ...
 21 There were a number of things happening
 22 at that meeting, and at some point, I switched
 23 to telling out loud about the -- my dispute to
 24 handing a note to the counsel about my
 25 dispute.

Page 27

1 [REDACTED] - Highly Confidential
 2 (Pause.)
 3 THE WITNESS: I cannot be exact on the
 4 time or the date.
 5 BY MR. LUFT:
 6 Q. What's your best recollection?
 7 (Pause.)
 8 THE WITNESS: I really cannot remember.
 9 I'm sorry.
 10 BY MR. LUFT:
 11 Q. Was it within the past week?
 12 A. The first time, probably not.
 13 Q. Was it before someone from Mr. Henzy's firm
 14 contact you about representing you?
 15 A. Prior to that.
 16 (Pause.)
 17 BY MR. LUFT:
 18 Q. How did you let Mr. Kwok's counsel at the --
 19 at the time of the 341 hearing know that there were many
 20 material deficiencies in the translation?
 21 A. In the first place, I was raising dispute to
 22 the interpreting at the time when the official
 23 interpreter was interpreting.
 24 Q. Okay. So when you heard a material
 25 deficiency, you let the official translator know?

Page 29

1 [REDACTED] - Highly Confidential
 2 BY MR. LUFT:
 3 Q. Okay.
 4 A. Right.
 5 Q. So you either made a statement --
 6 A. Uh-huh.
 7 Q. -- at the hearing --
 8 A. Uh-huh.
 9 Q. -- or you passed a note for Mr. Baldiga,
 10 counsel for Mr. Kwok at the time, to make a comment?
 11 A. Yes --
 12 Q. Okay.
 13 A. -- hoping he would.
 14 Q. And at the times where I can see your
 15 "private interpreter" reference in the transcript --
 16 A. Right.
 17 Q. -- those were the times when you were making
 18 statements?
 19 A. Right.
 20 Q. Okay. Then the periods where I don't see you
 21 making statements, it's possible you were passing
 22 notes --
 23 A. Right.
 24 Q. -- to Mr. Baldiga?
 25 A. Right.

Page 30

1 [REDACTED] - Highly Confidential
 2 Q. And when did that switch happen?
 3 (Pause.)
 4 THE WITNESS: I think, at one point, a
 5 comment was made that there were too many
 6 interruptions --
 7 BY MR. LUFT:
 8 Q. Uh-huh.
 9 A. -- as my purpose in court was to check, not
 10 to disrupt or interrupt, then I thought perhaps that I
 11 should be a bit more discrete about my disputes, so I
 12 switched to handing notes.
 13 But exactly at what -- what point or triggered by
 14 what exact action, I don't remember.
 15 Q. Okay. Just so I'm clear about it --
 16 A. Uh-huh.
 17 Q. -- there was a point where you made the
 18 decision to switch --
 19 A. Uh-huh.
 20 Q. -- from making statements --
 21 A. Yes.
 22 Q. -- to passing notes?
 23 A. Yes.
 24 Q. But you just don't remember what that point
 25 was?

Page 32

1 [REDACTED] - Highly Confidential
 2 MR. HENZY: Objection, privilege.
 3 MR. LUFT: How long you met is not
 4 privileged.
 5 MR. HENZY: I'm going to instruct you not
 6 to answer.
 7 MR. LUFT: On what grounds?
 8 MR. HENZY: Attorney-client privilege.
 9 MR. LUFT: How long you met is
 10 privileged?
 11 MR. HENZY: Could be, yeah, absolutely.
 12 Yep. What -- I have no idea why you want to
 13 know that.
 14 But I'm claiming the privilege, Avi, and
 15 I'm instructing the witness not to answer, and
 16 you can --
 17 MR. LUFT: Okay.
 18 MR. HENZY: You can pursue whatever you
 19 need to pursue.
 20 MR. LUFT: Okay. I'll make a statement
 21 that I think these privilege objections,
 22 especially this one, are completely proper --
 23 MR. HENZY: Okay.
 24 MR. LUFT: -- and just obstructing the
 25 deposition.

Page 31

1 [REDACTED] - Highly Confidential
 2 A. Yes.
 3 Q. Okay, so it wasn't --
 4 It's not the case that you were going back and
 5 forth?
 6 You just made a decision at one point, and then
 7 once that happened, you switched to the notes?
 8 A. I switched to notes for the majority -- for
 9 the majority of times.
 10 But when there was something that I really cannot
 11 hold onto --
 12 Q. -- uh-huh.
 13 A. -- and I really feel like there was something
 14 that I need to say, perhaps really critical, I would --
 15 and like I -- like what is described here, perhaps is
 16 material, then I probably would just raise it out loud.
 17 Q. Okay. That's helpful.
 18 Okay. What did you do to prepare for this
 19 deposition?
 20 A. I spoke with my counsel.
 21 Q. When did you meet with your counsel?
 22 A. We did not meet.
 23 Q. When did you speak to your counsel?
 24 A. Yesterday.
 25 Q. How long did you speak to him?

Page 33

1 [REDACTED] - Highly Confidential
 2 BY MR. LUFT:
 3 Q. [REDACTED] are you going to follow your
 4 counsel's advice not to answer?
 5 A. Yes. Counsel, do you mind if I add one more
 6 thing from my previous answer?
 7 Q. Sure.
 8 MR. HENZY: Do --
 9 THE WITNESS: I'm sorry.
 10 MR. LUFT: That's okay.
 11 MR. HENZY: Which answer?
 12 I don't think on that answer. I think on
 13 the question you asked before.
 14 MR. LUFT: I'm fine with [REDACTED] answering
 15 whatever [REDACTED] wants to.
 16 MR. HENZY: That's fine.
 17 THE WITNESS: When I said that -- you
 18 asked me about switching from notes to verbal
 19 dispute, and I said that when I really --
 20 there was something that I cannot hold onto,
 21 if it's something material, I would probably
 22 say it out loud.
 23 But that is not to say that I won't
 24 sometimes maybe find a situation for
 25 appropriate for me to hand a note to

Page 34

1 [REDACTED] - Highly Confidential
 2 Mr. Baldiga that could be material as well --
 3 BY MR. LUFT:
 4 Q. Okay.
 5 A. -- maybe I did not raise it out loud.
 6 Q. Was there ever an instance where you thought
 7 there was a material deficiency in the translation where
 8 you didn't tell Mr. Baldiga or say something?
 9 A. I don't think so, but --
 10 That day was a little bit confusing, chaotic at
 11 times, so I cannot be sure, but I don't think so.
 12 Q. Do you recall times where you asked
 13 Mr. Baldiga to make an objection and he refused?
 14 A. It was not my position to ask anyone to make
 15 an objection. I handed him the note. He's the counsel.
 16 He could decide when and where -- when and -- when
 17 to make that objection or whether he's going to make an
 18 objection. I handed him the note -- you know.
 19 Q. Do you recall any times when you handed
 20 Mr. Baldiga a note that something was mistranslated and
 21 he didn't make an objection on the record about it?
 22 (Pause.)
 23 THE WITNESS: I can't quite remember
 24 exactly, and as I was saying, that day -- at
 25 some point, it was a bit chaotic, so --

Page 36

1 [REDACTED] - Highly Confidential
 2 of things said in between and -- and still there was
 3 some interpretation made, so -- you know, that -- that
 4 was the chaotic moment, I thought.
 5 Q. Was that at the March 21st hearing or the
 6 April 6th 341 hearing?
 7 A. I don't remember the date.
 8 Q. Okay. Was it at the first hearing or the
 9 second hearing?
 10 A. I actually don't remember which time either,
 11 but I just remember there was a meeting and there was
 12 some such moment.
 13 Q. Do you remember anything else about what was
 14 said about this chaotic moment that you remember?
 15 (Pause.)
 16 THE WITNESS: Specifically the words ...
 17 you're asking -- sorry. Can you ask that
 18 question again?
 19 BY MR. LUFT:
 20 Q. Sure. You mentioned that one --
 21 I asked you what you can recall and you mentioned
 22 one of the things that you -- that you don't have a
 23 clear recollection of everything --
 24 A. Yes, yes.
 25 Q. -- but that one of the things you remember is

Page 35

1 [REDACTED] - Highly Confidential
 2 A number of things happened at one time,
 3 so it's hard to say. You know, I can't
 4 exactly remember.
 5 BY MR. LUFT:
 6 Q. How clear is your recollection of the 341
 7 meetings?
 8 A. Not -- I don't remember everything, but I
 9 remember some significant moment.
 10 Q. What was that significant moment?
 11 A. Significant moments would be a certain point
 12 that was -- like I said, there was -- there was a
 13 chaotic moment. I remember that, but I don't remember
 14 everything said.
 15 I remember there was such a moment, and I remember
 16 certain disputes that I raised. I don't remember every
 17 dispute I raised, but I remember some -- some such
 18 moments.
 19 Q. Can you tell me your best recollection of the
 20 chaotic moment you described?
 21 A. The chaotic moment was that the official
 22 interpreter made an error in his interpreting and it was
 23 so apparent that even Ms. Claiborne noticed that, and --
 24 But during that -- the interpretation and
 25 Ms. Claiborne's raising the issue, there were a number

Page 37

1 [REDACTED] - Highly Confidential
 2 a chaotic moment?
 3 A. Yes.
 4 Q. Okay. You don't recall which date it was
 5 on --
 6 A. Right.
 7 Q. -- so I'm asking other than there -- I
 8 believe you told me that there was some error --
 9 A. Uh-huh.
 10 Q. -- that Ms. Claiborne was able to pick up on?
 11 A. Yes.
 12 Q. Do you recall anything else specifically
 13 about that moment that you're describing?
 14 A. Yes. I remember Ms. Claiborne was able to
 15 pick up because it's -- the name the interpreter was
 16 using in English so he interpreted the name wrong, so he
 17 interpret --
 18 The question was asked about a company name in
 19 English and interpreted back to Mr. Kwok in Chinese, but
 20 using a different English name. So that is why
 21 Ms. Claiborne was able to pick up the interpreting was
 22 wrong and I remember that -- you know.
 23 Q. Anything else you recall?
 24 A. Say that again?
 25 Q. Anything else you recall about that chaotic

Page 38

1 [REDACTED] - Highly Confidential
 2 moment?
 3 A. Yes. Like I said, there were a number of
 4 back and forth in interpreting and Mr. Baldiga's asking
 5 questions, and I'm not sure whether I said something.
 6 I probably did not, because I saw that
 7 Ms. Claiborne was picking up, but there were a number of
 8 things going in between. I just cannot remember
 9 specific -- specifically the words.
 10 Q. Terrific.
 11 [REDACTED] I should -- I should have mentioned
 12 this at the beginning of the deposition. If I ask you
 13 what you recall --
 14 A. Uh-huh.
 15 Q. -- I just want you to tell me what you
 16 actually recall. I'm not asking you to speculate --
 17 A. Uh-huh.
 18 Q. -- as to what you think it would be unless I
 19 ask you something or I specifically do that.
 20 A. Okay.
 21 Q. Do you remember the name of the English
 22 company or the -- sorry -- the name of the company that
 23 was said in English?
 24 (Pause.)
 25 THE WITNESS: There were two names used.

Page 40

1 [REDACTED] - Highly Confidential
 2 Q. -- the names that were at issue were Ace
 3 Decade and Dawn State?
 4 A. I think so.
 5 Q. So if I looked in the transcript, I should
 6 see a transcription of a dispute in which the names Ace
 7 Decade and Dawn State are used?
 8 A. I think so.
 9 Q. Okay. You said you -- the other things that
 10 you recall --
 11 A. Uh-huh.
 12 Q. -- from the 341 hearings are some "disputes,"
 13 I believe was your word?
 14 A. There were a number of disputes, yes.
 15 Q. Okay. Could you tell me specifically what
 16 disputes you have an actual recollection of in the 341
 17 hearings?
 18 A. There were a number of them. I cannot
 19 remember all the disputes.
 20 As I said, there were some disputes that I raised
 21 out loud and there were some disputes I wrote down and
 22 handed notes to Ms. -- to the counsel.
 23 But one thing I remember, and it's because I
 24 usually took issues with -- it may not be a material to
 25 the case here, but as an interpreter that I took issue

Page 39

1 [REDACTED] - Highly Confidential
 2 Like I said, the interpreter -- the
 3 question was asked using one name and the
 4 interpreter was interpreting in another name.
 5 Now, I cannot remember which is which.
 6 BY MR. LUFT:
 7 Q. Okay. Can you just tell me the two names
 8 that were used?
 9 A. Okay. I think one was Ace Decade, and then
 10 the other one ... I think it was Dawn State. I cannot
 11 be sure.
 12 (Thereupon, an informal discussion was
 13 held off the record with the shorthand
 14 reporter.)
 15 THE WITNESS: And I cannot remember
 16 whether the question was raised with which
 17 name and whether the interpreter's
 18 interpreting the other. I cannot remember
 19 the --
 20 BY MR. LUFT:
 21 Q. Okay.
 22 A. -- which one is which.
 23 Q. But you recall for this dispute that sticks
 24 out in your mind --
 25 A. Yes.

Page 41

1 [REDACTED] - Highly Confidential
 2 with other interpreter disregarding the interpreting
 3 etiquette of witness testimonies.
 4 So I -- at one point, I said something to the
 5 interpreter in court.
 6 Q. Do you remember what you said to him?
 7 A. Yes. I can't remember exactly what he
 8 interpreted, but then he put a word in. He assumed it
 9 was there, but it wasn't there.
 10 So I said to him that there was no such word in the
 11 witness word -- statement -- the statement the witness
 12 made. You assume it was there. So something I said
 13 that --
 14 I don't know whether it was reflected in the
 15 transcript. In fact, I can't remember whether I said it
 16 in English or Chinese, but I said something like that at
 17 one point.
 18 Q. Okay. Any other specific disputes that you
 19 have an actual recollection from the 341 hearings
 20 sitting here today?
 21 A. Not specifically.
 22 Q. Okay. Did you review any documents to
 23 prepare for this deposition?
 24 A. No.
 25 Q. Have you reviewed any material that has

Page 42

1 [REDACTED] - Highly Confidential
 2 refreshed your recollection with regard to the 341
 3 hearings?
 4 A. No. I don't have those.
 5 Q. I have Exhibit 1 in front of you, the
 6 debtor's objection. Did you ever read that document --
 7 A. No.
 8 Q. -- prior to today?
 9 A. No.
 10 Q. Were you consulted with regard to information
 11 to include in that document?
 12 A. No.
 13 Q. Have you ever read a transcript of the 341
 14 hearing?
 15 A. Yes.
 16 Q. When did you read a transcript of the 341
 17 hearing?
 18 A. I did not read the entire transcript.
 19 I read a section of the transcript, but I cannot
 20 remember when.
 21 Q. What's your best recollection?
 22 (Pause.)
 23 THE WITNESS: One month ago, at least, I
 24 think.
 25

Page 44

1 [REDACTED] - Highly Confidential
 2 and the transcript was also capturing that -- that time,
 3 but not everything that reflected in the audio.
 4 Q. I'm sorry. Can you clarify? The transcript
 5 was ...
 6 A. The transcript reflecting some of the verbals
 7 in the audio, but not everything. That's what I'm
 8 saying.
 9 Q. Okay. You say the transcript was -- was the
 10 portion of the transcript addressing the chaotic moment?
 11 Is that right?
 12 A. Yes, corresponding part of the audio and the
 13 transcript. I -- yes.
 14 Q. So this was a portion of the transcript and
 15 audio in which the translator is mis- -- mistranslating
 16 something, in your opinion, and you are telling him that
 17 he is doing it wrong?
 18 MR. HENZY: I'll object. I don't think
 19 that was [REDACTED] testimony.
 20 MR. LUFT: Well, that was my
 21 understanding of the what the chaotic moment
 22 was.
 23 THE WITNESS: No.
 24 MR. HENZY: Sorry. I think we're a
 25 little confused here.

Page 43

1 [REDACTED] - Highly Confidential
 2 BY MR. LUFT:
 3 Q. How did you get a copy of the transcript?
 4 A. I didn't have a copy of the transcript.
 5 Q. How did you read the transcript, if you
 6 didn't have a copy of it?
 7 A. I was e-mailed a section of the transcript.
 8 Q. Who e-mailed you a section of the transcript?
 9 A. Counsel of -- Melissa Francis.
 10 Q. Is that the first time you ever received
 11 communication from Ms. Francis?
 12 A. No.
 13 Q. How often do you hear from Ms. Francis?
 14 A. Not often.
 15 Q. So tell me about this email from Ms. Francis.
 16 What did --
 17 A. Ms. Francis sent a section of the transcript
 18 to me and sent an audio to me and asked me to listen and
 19 then to check the transcript.
 20 Q. What was on the section of the transcript and
 21 the audio that Ms. Francis sent you?
 22 A. It was ... it was --
 23 The audio was capturing the moment -- the chaotic
 24 moment that I just described to you, and there was some
 25 prior lines and subsequent lines I don't quite remember,

Page 45

1 [REDACTED] - Highly Confidential
 2 BY MR. LUFT:
 3 Q. Okay. This is the same chaotic moment you
 4 described for me?
 5 A. Yes, but it wasn't moment I was telling the
 6 interpreter he was wrong. It was -- actually,
 7 Ms. Claiborne caught what was wrong, and like I said,
 8 between the interpretation --
 9 Between the interpreter's misinterpretation and Ms.
 10 Claiborne catching up with that mistake, there were a
 11 number of back and forth questioning and answering
 12 conversation happening which was not recorded in the
 13 transcript, and that's what I'm saying.
 14 At that point, in fact, I was not able to raise my
 15 dispute because there were so many back and forth going
 16 on, and also, at that point, Ms. Claiborne was also
 17 attaching up, so it wasn't the moment I raised dispute.
 18 Q. Can you describe for me what was included in
 19 this transcript?
 20 A. The -- what was include in the transcript was
 21 very ... abbreviated [sic], kind of --
 22 Because the -- because what's happening in the
 23 audio was that the interpreter has said -- has said
 24 things in Chinese and to Mr. Kwok and Mr. Kwok was
 25 answering in Chinese and -- but it not being interpreted

Page 46

1 [REDACTED] - Highly Confidential

2 in English so the court reporter could not have recorded

3 that, and between those conversations --

4 And Ms. Claiborne caught -- Ms. Claiborne was aware

5 that there was a mistake, because the names was

6 interpreted wrong and -- and she is already saying --

7 She's addressing that problem, and so there were a

8 lot of aside things going on which were not captured in

9 the transcript, and so that's all -- that's all I'm

10 saying.

11 Q. So the portion of transcript you saw has Ms.

12 Claiborne catching and making a comment --

13 A. Yes.

14 Q. -- that the person is using the names of Ace

15 Decade and Dawn State incorrectly?

16 A. Yes.

17 Q. Okay, so --

18 A. That made the question wrong all together.

19 Q. Okay. Can you tell me what else was said and

20 how long was this portion of the transcript?

21 (Pause.)

22 THE WITNESS: It wasn't that long. I

23 don't think that chaotic moment was that long,

24 but there were many prior lines and subsequent

25 lines of questioning derived from that at

Page 48

1 [REDACTED] - Highly Confidential

2 A. Uh-huh.

3 Q. -- can you give me your best independent

4 recollection of that moment?

5 A. Apart from what I just said?

6 Q. Apart from what you saw from listening to the

7 audio and speaking to -- and reading the transcript,

8 what is your -- what was your --

9 First of all, let me ask you: Sitting here

10 today --

11 A. Yes.

12 Q. -- other than what you read --

13 A. Uh-huh.

14 Q. -- that Ms. Francis sent you and the audio

15 you listened to, can you please tell me your best

16 recollection of what happened at that moment?

17 (Pause.)

18 THE WITNESS: But -- you know, my memory

19 today was aided by that audio.

20 BY MR. LUFT:

21 Q. Okay, so you have a --

22 You now have a clear memory of it because of the

23 audio or your -- you listened to the audio?

24 A. Right. I listened to the audio -- you know,

25 when it was sent to me.

Page 47

1 [REDACTED] - Highly Confidential

2 that -- at that meeting. It's hard for me to

3 gauge exactly how long that was.

4 BY MR. LUFT:

5 Q. Okay. Which date of the 341 hearing was

6 this?

7 A. I can't remember.

8 Q. Approximately -- I'm asking just about the

9 transcript.

10 A. Yes.

11 Q. Was it like five lines that she sent you?

12 Was it a page that she sent you? What's your best

13 estimate?

14 A. I think there were two pages, I think.

15 Q. And what was -- what was on the --

16 To the best of your recollection, can you describe

17 what was on those two pages that you reviewed at

18 Ms. Francis' request?

19 A. I wasn't only doing that part. That part

20 stuck out to me, and that was the major thing.

21 Like I said, that was the main chaos, and there

22 were lines before and after deriving from that chaotic

23 moment, and the content of those, I -- I can't recall.

24 Q. Other than having read what Ms. Francis sent

25 you --

Page 49

1 [REDACTED] - Highly Confidential

2 So whatever memory I have today is aided by that --

3 aided by that audio and that correspond with what I

4 recall at that time.

5 Q. Okay, so I just need to know what you recall

6 from that time other than from that audio.

7 MR. HENZY: I -- just objection, vague,

8 ambiguous, but you can answer.

9 THE WITNESS: Right. You mean just that

10 moment or that day?

11 BY MR. LUFT:

12 Q. Just with regard to the -- the section of the

13 transcript that Ms. Francis chose to send you.

14 A. Okay.

15 MR. HENZY: Can I just ask a question? I

16 don't -- because I want to make sure -- I

17 don't want [REDACTED] not to answer your question.

18 You're asking [REDACTED] to separate [REDACTED] memory

19 of the meeting, kind of almost block out what

20 [REDACTED] heard on the audio --

21 MR. LUFT: Well --

22 MR. HENZY: -- which is kind of hard?

23 MR. LUFT: Well, I think it's --

24 (Indistinguishable crosstalk.)

25 MR. HENZY: I am going to make an

Page 50

1 [REDACTED] - Highly Confidential
 2 objection just to -- you know.
 3 Vague, ambiguous. I just want to be
 4 clear what you're asking her to do.
 5 BY MR. LUFT:
 6 Q. Why don't we do this in parts? Prior to
 7 Ms. Francis --
 8 A. Uh-huh.
 9 Q. -- sending you the transcript and the audio,
 10 what was your -- can you give me your -- what was your
 11 best recollection of that portion --
 12 A. Uh-huh.
 13 Q. -- of the hearing that she sent you before --
 14 A. Uh-huh.
 15 Q. -- listening to the transcript and reading
 16 the portion of the transcript?
 17 A. Before I read and listened to the record, I
 18 only remembered there was a chaotic moment and there
 19 were disputes I raised, and -- you know, the issues with
 20 the interpreting, but I don't remember specifics.
 21 Q. After you read the portion of the
 22 transcript --
 23 A. Uh-huh.
 24 Q. -- and listened to the audio --
 25 A. Uh-huh.

Page 52

1 [REDACTED] - Highly Confidential
 2 moments.
 3 And I remember the exchange that was happening and
 4 the disputes, but probably not every specific word.
 5 Q. Other than what you've told me about the
 6 dispute --
 7 A. Uh-huh.
 8 Q. -- that there was an issue with regard to the
 9 name Ace Decade or Dawn State was used --
 10 A. Uh-huh.
 11 Q. -- do you recall anything specific about that
 12 moment?
 13 (Pause.)
 14 THE WITNESS: That moment wasn't just
 15 about Dawn State and Ace Decade. That was the
 16 moment that Ms. Claiborne picked up the error,
 17 but that was the moment continued from a
 18 series of mistakes, minor or major, so it's --
 19 That's what I recall, and -- and
 20 particularly what -- what happened was that
 21 the interpreter would use Chinese to ask the
 22 witness questions and then the witness would
 23 answer in Chinese and -- and because of that
 24 kind of exchange, it's --
 25 It's like the interpreter is asking

Page 51

1 [REDACTED] - Highly Confidential
 2 Q. -- did you then have a clear memory in your
 3 head apart from what you just read and heard of that
 4 moment or is it just that you read it and heard it and
 5 your recollection now is based on having listened to it
 6 and read it again?
 7 A. After I read and listened, it reminded me of
 8 what happened and more specifically what happened,
 9 exchanged in words.
 10 So it wasn't just based on that record. It did
 11 remind me what actually happened, yes.
 12 Q. I'm going to ask you now to please tell me
 13 what is now your recollection of that moment, not as
 14 refreshed --
 15 A. Uh-huh.
 16 Q. -- by the transcript --
 17 A. Uh-huh.
 18 Q. -- and the audio, but not repeating to me
 19 what you've read on the transcript --
 20 A. Right.
 21 Q. -- of the audio, if that makes sense.
 22 A. Right. I understand what you're saying.
 23 I -- if I don't based on that audio and things,
 24 today, I would -- I would remember that was this --
 25 there was this kerfuffle happening at the time, chaotic

Page 53

1 [REDACTED] - Highly Confidential
 2 question to the witness to -- maybe asking a
 3 clarifying question, and so therefore that he
 4 did not think that it should -- it needed to
 5 be translated or interpreted back into English
 6 for everyone else in the room to know.
 7 And that kind of sideline conversation
 8 was not captured in the transcript, and that's
 9 why that -- that happen -- that happened, and
 10 I think at one point I was about to raise that
 11 and, in fact, Mr. Baldiga, I think, he said
 12 something like "Can you please interpret
 13 that?"
 14 But by that point, I think Ms. Claiborne
 15 also caught on with the error of Ace Decade
 16 and Dawn State, so that had put aside -- I
 17 think that was put aside, so there were a
 18 number of these things happening ... that --
 19 that is --
 20 That is not exactly the interpreting
 21 problem that is really about the interpreter's
 22 etiquette -- professional etiquette -- you
 23 know, so at one point, I raised an issue out
 24 loud. That's what I remember.
 25

Page 54

1 [REDACTED] - Highly Confidential

2 BY MR. LUFT:

3 Q. Do you recall anything else specifically with

4 regard to what was said for the portion of the

5 transcript that you reviewed at Ms. Francis' request?

6 A. I don't have any other independent

7 recollection.

8 Q. Okay.

9 (Thereupon, an informal discussion was

10 held off the record.)

11 BY MR. LUFT:

12 Q. Had Ms. Francis talked to you about this

13 issue prior to sending you this portion of the

14 transcript?

15 A. No.

16 Q. Was there a cover note in connection with the

17 transcript?

18 A. The email was just asking me to -- in fact,

19 I'm not sure what's said on the email, now, but no,

20 there was no cover note.

21 Q. Okay.

22 (Pause.)

23 BY MR. LUFT:

24 Q. Did you -- have you reviewed any other

25 portion of the 341 transcript?

Page 56

1 [REDACTED] - Highly Confidential

2 In the federal rules, there's no such

3 thing as verbal production requests, okay? If

4 there's something in the rules I don't know

5 about, you guys should tell me.

6 MR. BASSETT: Eric, there's such a thing

7 as cooperating and providing documents that

8 you're obligated to produce under a request in

9 light of the hearing that is --

10 MR. HENZY: Do you want to argue about it

11 now?

12 (Pause.)

13 MR. HENZY: The schedule's your schedule.

14 You certainly have enough people. You

15 certainly know how to ask for things when you

16 want them.

17 (Pause.)

18 MR. LUFT: Okay. Let the record reflect

19 I'm handing Mr. Henzy a note in writing that

20 says "Please produce the email and electronic

21 transcript [REDACTED] just testified

22 about."

23 It's dated today, and it has my name on

24 it.

25 MR. HENZY: Thank you.

Page 55

1 [REDACTED] - Highly Confidential

2 A. No.

3 Q. Other than what Ms. Francis sent you for

4 either March 21st or April 6th?

5 A. I have not reviewed any other part of

6 transcript for any day except that part that's sent to

7 me by Ms. Francis.

8 Q. Ms. Francis tell you why she was sending you

9 that portion, other than she wanted you to check it?

10 A. No. She said to me, "Listen to the audio and

11 check the transcript."

12 Q. Okay.

13 A. And to see whether it's accurate.

14 Q. Do you have a copy of that audio and email

15 Ms. Francis sent you?

16 A. It was sent to us with the attachment and the

17 email, so it would be with the email.

18 * MR. LUFT: Okay.

19 Eric, I'm going to ask that those be

20 produced immediately, yeah.

21 MR. HENZY: There's no production

22 request.

23 MR. LUFT: I'm asking you right now.

24 MR. HENZY: I -- then you need to give me

25 a formal production request. There's no --

Page 57

1 [REDACTED] - Highly Confidential

2 MR. LUFT: Now you have a written

3 request.

4 Please produce it. I would ask for it to

5 be produced during this deposition, please.

6 BY MR. LUFT:

7 Q. Did you ever share this email from

8 Ms. Francis and audio file with the Zeisler firm?

9 A. No.

10 Q. How did you respond to Ms. Francis?

11 A. I said -- I suppose I wrote an email back

12 saying "Yes, I'll listen and I'll check."

13 Q. And did you do that?

14 A. Yes.

15 Q. Do you have a copy of that email?

16 A. It should be with my email, I think.

17 MR. LUFT: Do you want me to put an S on

18 "email" or --

19 MR. HENZY: You can do whatever you want.

20 BY MR. LUFT:

21 * Q. Okay. I'm requesting that email.

22 And how did you tell Ms. Francis the results of

23 checking that portion of the transcript?

24 A. I just sent the file back.

25 Q. Did you ever speak to Ms. Francis about this?

Page 58

1 [REDACTED] - Highly Confidential

2 A. I sent -- I sent my work product back.

3 Q. What was your work product?

4 A. It's record of the audio.

5 It's a transcription of the audio file from my own

6 listening.

7 Q. So you made a transcript of the audio file

8 where you --

9 A. Uh-huh.

10 Q. Explain to me.

11 I don't understand. Is it you translated -- you --

12 most of it's in English, so what's going on?

13 A. And also translated the parts spoken in

14 Chinese, yes.

15 Q. Do you have a copy of that?

16 A. I have a copy of that, yes.

17 Q. Can I have a copy of it?

18 MR. HENZY: No. I mean -- no.

19 You're going to see it filed as an

20 exhibit before noon today.

21 MR. LUFT: Okay.

22 BY MR. LUFT:

23 Q. [REDACTED] this isn't on you.

24 MR. LUFT: I think it's completely

25 improper that you have a witness and you've

Page 60

1 [REDACTED] - Highly Confidential

2 definitely know how to go back and ask for

3 relief.

4 MR. BASSETT: Okay.

5 MR. HENZY: This is your schedule.

6 You're bringing this on for hearing on an

7 expert basis.

8 MR. BASSETT: Eric.

9 MR. HENZY: We could have done this a

10 very different way. You guys chose the

11 schedule. If you didn't like --

12 What Jim said back to you was if you --

13 we're going to comply with the Court's order.

14 That's what we're doing.

15 MR. BASSETT: What I said back to Jim,

16 which is correct, is that regardless of the

17 court's order which set a final deadline for

18 the exchange of witness exhibit list, we had

19 the right to request discovery from you, which

20 we were doing in the form of requesting all

21 exhibits and witnesses that you then knew you

22 anticipated using at the hearing.

23 And the response was "We're not going to

24 give that to you. We're going to wait until

25 Friday."

Page 59

1 [REDACTED] - Highly Confidential

2 sandbagged us by not producing the exhibits

3 you intend to put at trial.

4 MR. HENZY: It's your schedule, Avi.

5 It's your --

6 MR. LUFT: What do you mean, it's my

7 schedule?

8 MR. HENZY: You didn't ask us for any

9 production. It's -- it's -- I'm sorry. It's

10 the judge's schedule.

11 MR. BASSETT: Eric, that's also not true.

12 MR. LUFT: Yes.

13 MR. BASSETT: We asked you and your

14 colleagues in advance for this exact purpose

15 for copies of the exhibits that you intended

16 to use --

17 MR. HENZY: Yep.

18 MR. BASSETT: -- and for the identities

19 of witnesses --

20 MR. HENZY: Yep.

21 MR. BASSETT: -- and you refused to

22 provide them.

23 MR. HENZY: What we did is we're

24 complying with the court's order, and if you

25 didn't like the court's order, Nick, you guys

Page 61

1 [REDACTED] - Highly Confidential

2 MR. LUFT: When on Friday are we getting

3 this?

4 MR. BASSETT: Noon.

5 MR. LUFT: Why don't we go off the

6 record? Because we may need to wait until you

7 hand it over.

8 MR. HENZY: I guess that's up to you. I

9 mean, you can't -- you can't -- actually, it's

10 not up to you.

11 You can't say now this witness has to

12 wait around for an hour and a half because you

13 guys didn't --

14 (Indistinguishable crosstalk.)

15 MR. LUFT: If you tell Judge Manning that

16 this is how you're -- you want to practice,

17 you can talk about it. We're going to go off

18 the record right now --

19 MR. HENZY: That's fine.

20 MR. LUFT: -- and we'll see where we are.

21 THE VIDEOGRAPHER: The time is 10:30 a.m.

22 We're going off the record.

23 (Recess taken at 10:30 a.m.)

24 (Resumed at 10:57 a.m.)

25 THE VIDEOGRAPHER: The time is 10:57 a.m.

Page 62

1 [REDACTED] - Highly Confidential
 2 We're back on the record.
 3 BY MR. LUFT:
 4 Q. [REDACTED] you mentioned that you sent
 5 Ms. Francis work product where you translated from the
 6 audio.
 7 A. Uh-huh, yes.
 8 Q. Do you have -- were there any drafts you made
 9 of that document?
 10 A. No.
 11 Q. Did -- do you have any internal drafts of the
 12 document?
 13 A. No.
 14 Q. Did you make any notes when you were creating
 15 that document?
 16 A. No.
 17 Q. Did you ask Ms. Francis for what purpose you
 18 were making this document?
 19 A. No.
 20 Q. Did you ask Ms. Francis why she wanted
 21 specifically this portion of the two days of testimony
 22 translated?
 23 A. I don't think so.
 24 Q. Did you have any communication with
 25 Ms. Francis after you sent her the document?

Page 64

1 [REDACTED] - Highly Confidential
 2 translation?
 3 A. I assume so, yeah.
 4 Q. But Ms. Francis was the one who asked you?
 5 A. Uh-huh, yes.
 6 Q. How much did they pay you to do the
 7 translation?
 8 A. I charge by the day --
 9 Q. Okay.
 10 A. -- and do I have to say that?
 11 Q. You do. I'm sorry.
 12 MR. HENZY: It's not very relevant.
 13 But yeah, you have to, if he really wants
 14 to know.
 15 THE WITNESS: As an interpreter, my day
 16 rate is a thousand dollars a day.
 17 BY MR. LUFT:
 18 Q. Is that how much you were paid to do this
 19 translation?
 20 A. Yes.
 21 Q. How long did it take you to do the
 22 translation?
 23 A. About a day.
 24 (Pause.)
 25

Page 63

1 [REDACTED] - Highly Confidential
 2 A. No.
 3 Q. After you sent Ms. Francis -- by the way, who
 4 is Ms. Francis representing?
 5 A. I don't know.
 6 (Pause.)
 7 BY MR. LUFT:
 8 Q. Did you ask her who she's representing?
 9 A. No.
 10 Q. Why did you do it, if you had no idea who
 11 Ms. Francis was asking you to do it for?
 12 A. She's API client.
 13 Q. So your client -- Ms. Francis is -- is your
 14 client?
 15 A. No. I mean, if she asks me to do a job, then
 16 I will do a job and I will give it back to her.
 17 Q. Did Ms. Francis pay you for this work?
 18 (Pause.)
 19 THE WITNESS: No.
 20 BY MR. LUFT:
 21 Q. All right. Who paid you for the work?
 22 A. Counsel's firm.
 23 Q. Which counsel?
 24 A. Mr. Zeisler's firm.
 25 Q. So Mr. Zeisler's firm paid you to do the

Page 65

1 [REDACTED] - Highly Confidential
 2 BY MR. LUFT:
 3 Q. After you sent --
 4 How long did it take you to get back to Ms. Francis
 5 with your work product?
 6 (Pause.)
 7 THE WITNESS: Can you ask the question
 8 again?
 9 BY MR. LUFT:
 10 Q. Sure. You said Ms. Francis sent you this
 11 portion of the transcript about a month ago --
 12 A. Yes.
 13 Q. After receiving the email --
 14 A. Yes.
 15 Q. -- with the request that you translate it,
 16 how long did it take you to get back to her with your
 17 work product?
 18 (Pause.)
 19 THE WITNESS: I think a couple of days or
 20 several days. Within several days.
 21 BY MR. LUFT:
 22 Q. Okay, so -- but within a week?
 23 A. Yes. I think so, yeah.
 24 Q. After you sent Ms. Francis back the work
 25 product --

Page 66

1 [REDACTED] - Highly Confidential

2 A. Uh-huh.

3 Q. -- did you have any other conversations with

4 Ms. Francis about this translation?

5 MR. HENZY: I'm going to actually object

6 now, based on attorney-client privilege. I'm

7 going to instruct you not to answer.

8 MR. LUFT: Based on whose attorney-client

9 privilege?

10 I'm sorry. Just -- Eric, just so I

11 understand, who -- who's the relationship

12 between?

13 MR. HENZY: It's between Melissa Francis

14 and Ho Wan Kwok.

15 BY MR. LUFT:

16 Q. Okay. Is Ms. Francis your attorney?

17 A. No.

18 MR. LUFT: So I don't understand what the

19 privilege assertion is.

20 THE WITNESS: But anyway, no.

21 MR. HENZY: It's a privilege on Mr. Kwok.

22 You can't violate attorney-client privilege.

23 I mean, [REDACTED] -- hold on.

24 [REDACTED] was acting as an interpreter at the

25 direction of counsel for Mr. Kwok, so [REDACTED] --

Page 68

1 [REDACTED] - Highly Confidential

2 this communication other than the document she sent?

3 MR. HENZY: Objection, privilege. I

4 instruct you not to answer.

5 MR. LUFT: Eric, you can't introduce an

6 exhibit and put [REDACTED] up as a witness on behalf

7 of it and then say, "But I won't tell you

8 anything [REDACTED] said about it." You made the

9 choice.

10 MR. HENZY: But you're not asking [REDACTED] a

11 question --

12 MR. LUFT: Okay.

13 MR. HENZY: -- about what [REDACTED] said about

14 it or what [REDACTED] did.

15 You're asking [REDACTED] a question about what a

16 lawyer said to [REDACTED] That is privileged

17 communication.

18 BY MR. LUFT:

19 Q. Let me ask you this, [REDACTED]

20 Are you here to -- are you testifying as a fact

21 witness or an expert witness in this matter?

22 MR. HENZY: Objection, asks for a legal

23 conclusion. I don't know how [REDACTED] would know

24 that.

25

Page 67

1 [REDACTED] - Highly Confidential

2 [REDACTED] covered by the privilege. That's --

3 That's a classic case of a [REDACTED] third party

4 being covered by privilege, Avi. I can't -- I

5 can't do my job because I don't understand

6 Chinese. There's an audio that's in Chinese.

7 I need an interpreter to tell me what's in the

8 audio, okay?

9 BY MR. LUFT:

10 Q. Who retained you to do this job?

11 A. I don't know.

12 Q. Who were you translating on behalf of?

13 (Pause.)

14 THE WITNESS: I don't really know.

15 Mechanically -- you know.

16 I'm only given the job and then I listen

17 to the file and then I produce the work

18 product. I send it back and I get paid. To

19 me, that's the end of it.

20 BY MR. LUFT:

21 Q. Okay. So Mr. Henzy's firm was not

22 representing you at the time, correct?

23 A. No, that's correct.

24 Q. Okay. Can you please tell me about any

25 communications you had with Ms. Francis with regard to

Page 69

1 [REDACTED] - Highly Confidential

2 BY MR. LUFT:

3 Q. Do you know if you're testifying as a fact

4 witness or an expert?

5 A. I don't.

6 MR. LUFT: Mr. Henzy, is [REDACTED] being put

7 forward as an expert or as a fact witness in

8 this matter?

9 MR. HENZY: [REDACTED] being put forward as a

10 witness, I think, primarily a fact witness.

11 I'm not going to say exclusively as a fact

12 witness.

13 MR. LUFT: Well, we are entitled under

14 the federal rules to know if [REDACTED] is being put

15 forward as an expert.

16 So I need you to tell me, because it's

17 going to impact the questioning I have.

18 MR. HENZY: They are going to be aspects

19 of [REDACTED] testimony that maybe deemed to be

20 expert testimony.

21 MR. LUFT: In that case, there is no

22 privilege and I'm entitled to ask [REDACTED] about

23 this.

24 [REDACTED] a testifying witness. I'm entitled

25 to know about [REDACTED] opinions, what [REDACTED] relied

Page 70

1 [REDACTED] - Highly Confidential
 2 upon, and the communications [REDACTED] had in
 3 connection with those opinions.
 4 MR. HENZY: That's not the question you
 5 asked, though.
 6 MR. LUFT: It 100 percent is.
 7 MR. HENZY: You didn't ask [REDACTED] what did
 8 you rely upon.
 9 MR. LUFT: Okay.
 10 MR. HENZY: I mean, ask [REDACTED] that, Avi,
 11 and then we can go from there.
 12 BY MR. LUFT:
 13 Q. [REDACTED]
 14 A. Uh-huh.
 15 Q. -- are you going to be offering expert
 16 testimony in this case?
 17 MR. HENZY: Objection, asks for a legal
 18 conclusion.
 19 BY MR. LUFT:
 20 Q. You can answer.
 21 A. If the court wants me to say something,
 22 answer a question, I will answer a question.
 23 I don't know whether I'm asked to -- to be an
 24 expert witness or whatever witness. I'm just here to
 25 answer questions.

Page 72

1 [REDACTED] - Highly Confidential
 2 I -- I made an objection, and now [REDACTED] can
 3 answer the question.
 4 BY MR. LUFT:
 5 Q. Do you know what expert opinions you're going
 6 to be prepared to offer to the court in this case?
 7 A. I don't, but I'm a court certified
 8 interpreter/translator, and I've been in -- working as
 9 an interpreter in court cases for over 20 years.
 10 So for that, if the court asks me questions about
 11 interpretation, I would tell them what I think as an
 12 experienced court certified interpreter.
 13 Q. And if the court chooses not to ask you any
 14 questions --
 15 A. Uh-huh.
 16 Q. -- you're not prepared to offer any expert
 17 testimony in this case?
 18 MR. HENZY: Objection.
 19 Asks for a legal conclusion. It's also
 20 vague and ambiguous.
 21 THE WITNESS: If the Court is not asking
 22 me questions, why would I say anything?
 23 BY MR. LUFT:
 24 Q. Because I believe Mr. Henzy wants you to
 25 answer questions.

Page 71

1 [REDACTED] - Highly Confidential
 2 Q. What expert opinions are you prepared to
 3 offer in this case?
 4 MR. HENZY: Objection, asks for a legal
 5 conclusion.
 6 MR. LUFT: I'm entitled to know what --
 7 if [REDACTED] going to be put forth as an expert,
 8 I'm entitled to know --
 9 MR. HENZY: [REDACTED] can answer the question.
 10 BY MR. LUFT:
 11 Q. What expert opinions are you going to put
 12 forward in this case?
 13 MR. HENZY: Objection, asks for a legal
 14 conclusion. You can ask [REDACTED] what opinion
 15 she's going to be offering.
 16 MR. LUFT: No, Eric.
 17 MR. HENZY: I'm not going to --
 18 I'm not -- you're right. I shouldn't
 19 tell you what question to ask. You're right.
 20 MR. LUFT: More importantly, if you're
 21 putting forward an expert witness, you have to
 22 disclose what expert opinions they have
 23 before -- at their deposition.
 24 MR. HENZY: So -- so you can ask [REDACTED]
 25 Ask [REDACTED] -- well, go ahead. Ask the question

Page 73

1 [REDACTED] - Highly Confidential
 2 A. Well, that is to prepare for the case, right?
 3 Q. Well --
 4 A. The court?
 5 Q. [REDACTED]
 6 A. Uh-huh.
 7 Q. -- please tell me all expert opinions you
 8 intend to offer at the hearing on Tuesday.
 9 MR. HENZY: Objection, asks for a legal
 10 conclusion.
 11 THE WITNESS: I don't know. I am --
 12 whatever Court is asking me -- whatever --
 13 Whatever question is asked of me at the
 14 Court hearing on Tuesday, I would answer them.
 15 BY MR. LUFT:
 16 Q. So sitting here today you're not aware of any
 17 expert opinions that you're planning to offer at the
 18 hearing --
 19 A. That's correct.
 20 Q. -- with respect to this contempt motion?
 21 A. That's correct.
 22 MR. HENZY: Objection, asks for a legal
 23 conclusion.
 24 (Pause.)
 25

Page 74

1 [REDACTED] - Highly Confidential

2 BY MR. LUFT:

3 Q. Has Mr. Henzy asked you to offer any expert

4 opinions at the hearing on Tuesday?

5 MR. HENZY: Objection, asks for a legal

6 conclusion.

7 THE WITNESS: Not specifically.

8 BY MR. LUFT:

9 Q. Has anyone from are Mr. Henzy's firm asked

10 you to offer any expert opinions at the hearing on

11 Tuesday?

12 MR. HENZY: Same objection.

13 THE WITNESS: No.

14 (Pause.)

15 BY MR. LUFT:

16 Q. Has Ms. Francis asked you to offer any expert

17 opinions --

18 A. No.

19 Q. -- at the hearing on Tuesday?

20 MR. HENZY: Same objection.

21 THE WITNESS: No.

22 BY MR. LUFT:

23 Q. Has any counsel for Mr. Kwok asked you to

24 offer any expert opinions?

25 A. No.

Page 76

1 [REDACTED] - Highly Confidential

2 portions of the transcript of the 341 hearing other than

3 the portion that Ms. Francis had selected for you?

4 A. No.

5 (Pause.)

6 BY MR. LUFT:

7 Q. Have you ever acted as a Court interpreter?

8 A. Yes.

9 Q. When?

10 (Pause.)

11 BY MR. LUFT:

12 Q. And by that, I mean acting as the interpreter

13 for a court.

14 A. Yes.

15 Q. Yes? So I meant --

16 A. Yes.

17 Q. Just clarifying. Sorry.

18 A. Yes, throughout the past 20 to 30 years.

19 Q. Okay. How often?

20 A. More often 20 years ago, and less often the

21 recent 10 years, and less often the last year.

22 Q. How often have you acted as interpreter for

23 the Court in the past 10 years?

24 A. How often? It's really hard to say.

25 Q. Give me your best recollection.

Page 75

1 [REDACTED] - Highly Confidential

2 (Pause.)

3 BY MR. LUFT:

4 Q. And sitting here today, you cannot identify

5 any expert opinions that you plan to offer to this Court

6 as testimony as the context hearing on Tuesday, correct?

7 MR. HENZY: Same objection.

8 THE WITNESS: That's correct.

9 BY MR. LUFT:

10 Q. Okay. Other than the portion of the

11 transcript that Ms. Francis sent you, have you reviewed

12 any other portions of the two days of 341 testimony?

13 A. No.

14 Q. Did you ever ask to review any other portions

15 of it?

16 A. No.

17 Q. Have you ever listened to the audio of the

18 rest of the 341 hearing?

19 A. No.

20 (Pause.)

21 BY MR. LUFT:

22 Q. Did anyone ever ask you to listen to any

23 other portions of the audio of the 341 hearing?

24 A. No.

25 Q. Anyone ever ask you to look at any other

Page 77

1 [REDACTED] - Highly Confidential

2 A. See, I work for cases, and -- and there are a

3 number of courts ...

4 (Pause.)

5 THE WITNESS: Once a month. A case a

6 month.

7 BY MR. LUFT:

8 Q. When was the first time you worked with

9 Mr. Kwok?

10 (Pause.)

11 THE WITNESS: I can't remember when was

12 the last hearing that I appeared as check

13 interpreter for Mr. Kwok.

14 BY MR. LUFT:

15 Q. Do you recall the first time you acted as an

16 interpreter for Mr. Kwok?

17 A. That I remember, yes.

18 Q. When was that?

19 A. I don't recall the specific time. It would

20 be ranging between 2016 to 2017. That was the first

21 time.

22 Q. Okay, and other than serving as a check

23 interpreter for Mr. Kwok in court proceedings, have you

24 ever worked as -- on behalf of Mr. Kwok in any other

25 capacity?

Page 78

1 [REDACTED] - Highly Confidential

2 A. At the early days, yeah.

3 The first time I was -- I was referred to be an

4 interpreter for his conference.

5 Q. What conference is that?

6 A. It was a conference supposed to happen --

7 supposed to happen in Washington, D.C. However, it did

8 not happen, but that was the first time I met him.

9 Q. Are there any other times you've worked for

10 Mr. Kwok other than -- other than as a check interpreter

11 in connection with court proceedings?

12 A. Yes.

13 Q. Please tell me about them.

14 A. I worked as an interpreter for Mr. Kwok in a

15 court case -- in a case regarding defamation.

16 Q. Other than in connection with a court case --

17 A. Uh-huh.

18 Q. -- have you ever acted as a -- worked for

19 Mr. Kwok in any capacity --

20 A. As an --

21 Q. -- with the exception of the conference you

22 mentioned?

23 MR. HENZY: I'm just going to object.

24 Vague and ambiguous. I'm not trying --

25 just --

Page 80

1 [REDACTED] - Highly Confidential

2 held off the record.)

3 BY MR. LUFT:

4 Q. What's your best estimate of how many times

5 you've been hired by Mr. Kwok?

6 A. I was never hired by Mr. Kwok.

7 Q. Who hired you, then?

8 A. His office.

9 Q. What's Mr. Kwok's office?

10 A. Say that again?

11 Q. What do you mean when you say, "Mr. Kwok's

12 office"?

13 A. His staff.

14 Q. Who is on Mr. Kwok's staff?

15 A. For court cases, then it would be

16 Ms. Francis, and at the beginning of the conference, it

17 was Ms. Wang.

18 Q. Anyone else on Mr. Kwok's staff besides

19 Ms. Francis and Ms. Wang?

20 A. That I have no idea.

21 Q. Are you aware of any other people who work

22 for Mr. Kwok other than Ms. Francis and Ms. Wang?

23 A. I don't know them.

24 Q. When you say, "Ms. Wang," are you referring

25 to Yvette Wang?

Page 79

1 [REDACTED] - Highly Confidential

2 MR. LUFT: Okay.

3 MR. HENZY: Work for him in any other

4 capacity? You mean as an employee or ...

5 MR. LUFT: Worked for him. I don't care

6 how [REDACTED] characterizes it.

7 MR. HENZY: Okay.

8 THE WITNESS: Just conferences.

9 BY MR. LUFT:

10 Q. What conferences have you worked for

11 Mr. Kwok?

12 A. Mr. Kwok had, I think --

13 Once a year, in the past, he had those

14 anti-Communist Party conferences, and there would be

15 kind of like several interpreters interpreting for those

16 conferences simultaneously.

17 We would -- we would -- we would do those

18 conference interpreting -- simultaneous interpreting in

19 a conference setting.

20 Q. Anything else?

21 A. And the court defamation case and check

22 interpreting.

23 Q. Anything else?

24 A. That's about it.

25 (Thereupon, an informal discussion was

Page 81

1 [REDACTED] - Highly Confidential

2 A. Yes.

3 Q. When you say they hired you, they hired you

4 to work on behalf of their boss, Mr. Kwok?

5 A. They hired me to work in an event, and those

6 event -- whatever it is, then that's the event.

7 Q. So let's take the defamation case.

8 A. Uh-huh.

9 Q. Mr. Kwok is a party to that case?

10 A. That's right.

11 Q. And you were being hired by Mr. Kwok's staff

12 to work on their boss' behalf?

13 A. As an interpreter.

14 Q. Right. On behalf their boss, Mr. Kwok?

15 A. For Mr. Kwok.

16 Q. Okay, and who paid you for your work on

17 behalf of Mr. Kwok?

18 A. In those time, Golden Spring.

19 Q. Did you have a contract with Golden Spring?

20 A. No. No.

21 Q. So how did you know that Golden Spring was

22 going to pay you for the work that you did on behalf of

23 Mr. Kwok?

24 A. I think it was the first time I was referred

25 to by a fellow interpreter to work for Mr. Kwok's

Page 82

1 [REDACTED] - Highly Confidential
 2 conference and -- because I was referred to and from a
 3 fellow interpreter, so if my colleague worked for him
 4 and got paid, then I think I will get paid.
 5 Q. So when Mr. Kwok would have Golden Spring pay
 6 you --
 7 A. Uh-huh.
 8 Q. -- for your work, how did they send you that
 9 money?
 10 A. They mailed it to me.
 11 Q. By check?
 12 A. Uh-huh, yes.
 13 Q. And whose account was that check from?
 14 A. Golden Spring.
 15 Q. Was there any ever -- any entity Mr. Kwok had
 16 you paid by other than Golden Spring for any of the work
 17 that you did for him?
 18 (Pause.)
 19 THE WITNESS: If I was contracted by or
 20 if I was requested by Golden Spring to do the
 21 work for an event, then I was paid by Golden
 22 Spring.
 23 BY MR. LUFT:
 24 Q. And for other work you did for Mr. Kwok, did
 25 anyone ever pay you for that work other than Golden

Page 84

1 [REDACTED] - Highly Confidential
 2 Q. How about in connection for the work
 3 Ms. Francis sent you the translation work, who will pay
 4 you for that?
 5 A. I send the invoice to Zeisler, too.
 6 Q. Can you give --
 7 Can you tell me how much money you've earned work
 8 for Mr. Kwok since the first time you started working
 9 for him up through today?
 10 A. I have not tallied up.
 11 Q. What's your best estimate?
 12 (Pause.)
 13 THE WITNESS: It was hard to say, really.
 14 I -- I --
 15 I can't, because at the early days, I did
 16 a number of conferences for him, and that was
 17 good. Nowadays, not that many, so ...
 18 BY MR. LUFT:
 19 Q. Do you think you've earned more than \$10,000
 20 work for Mr. Kwok?
 21 A. From -- since 2016 or 2017?
 22 Q. Yes.
 23 A. Yes.
 24 Q. More than \$20,000?
 25 A. Yes.

Page 83

1 [REDACTED] - Highly Confidential
 2 Spring?
 3 A. "Other work" meaning ...
 4 Q. Meaning like the defamation case for -- that
 5 Mr. Kwok is involved in, right?
 6 A. That was requested by Golden Spring, so
 7 Golden Spring paid me.
 8 Q. Have you ever been paid for work you have
 9 done on behalf of Mr. Kwok by any entity other than
 10 Golden Spring?
 11 A. For this bankruptcy --
 12 Q. Uh-huh.
 13 A. -- the court hearing, serve as check
 14 interpreter, I was paid by counsel's firm.
 15 Q. Are you being paid for your time today?
 16 A. Not -- not -- not here now.
 17 Q. How about for Tuesday? Are you being
 18 compensated?
 19 A. Yes.
 20 Q. Who is paying that?
 21 A. I expect to be, as you ...
 22 Q. And who is paying you for that?
 23 A. Because it was requested by Zeisler, so I
 24 will be sending my invoice to Zeisler, and I will expect
 25 Mr. Zeisler to pay me.

Page 85

1 [REDACTED] - Highly Confidential
 2 Q. More than \$50,000?
 3 A. That I cannot be sure.
 4 Q. More than \$50,000, potentially?
 5 A. See, the thing is I have to ask you make a
 6 division. Fifty thousand divide by one thousand, how
 7 many events?
 8 Because I remember events. I don't really remember
 9 the number -- you know.
 10 Q. From 2016 until today --
 11 A. Uh-huh.
 12 Q. -- anyone you've worked with more often than
 13 Mr. Kwok?
 14 A. Yes. Much more.
 15 Q. How many other clients do you have?
 16 A. I have a lot of clients.
 17 Q. Do you ever serve as interpreter for Mr. Kwok
 18 in connection with his business meetings?
 19 A. No.
 20 Q. How about when Mr. Kwok is talking to
 21 Ms. Francis? Who is interpreting for them?
 22 A. I have no idea.
 23 Q. Have you ever seen Mr. Kwok talk to
 24 Ms. Francis? Have you ever seen him talking to
 25 Ms. Francis?

Page 86

1 [REDACTED] - Highly Confidential
 2 A. I may have. I can't remember specifically.
 3 Q. Did you have to interpret for them?
 4 A. No.
 5 Q. Were they just talking in English, so it
 6 wasn't necessary?
 7 (Pause.)
 8 THE WITNESS: I'm trying to remember
 9 whether I was there any time. I don't know.
 10 BY MR. LUFT:
 11 Q. How about when Mr. Kwok talks to other people
 12 in English? Does he ask you to help him out with words?
 13 A. When he met with counsel, then I interpret
 14 for him.
 15 Q. Okay, but when he's talking to other people
 16 in English, does he ever ask you to help him with words
 17 that he doesn't know in English?
 18 MR. HENZY: Object. I'm not sure [REDACTED]
 19 testified --
 20 BY MR. LUFT:
 21 Q. You can go ahead. Please answer.
 22 A. I don't interpret for him in English outside
 23 from court cases.
 24 Q. Have you ever heard Mr. Kwok speak English?
 25 A. Yes.

Page 88

1 [REDACTED] - Highly Confidential
 2 Brown Rudnick, most recently. That's it.
 3 BY MR. LUFT:
 4 Q. That's it? Okay. Do you travel with
 5 Mr. Kwok?
 6 A. No.
 7 Q. Okay. When Mr. Kwok has a job for you --
 8 A. Uh-huh.
 9 Q. -- how does he communicate that to you?
 10 A. Mr. Kwok never communicated with me and it
 11 is -- it's not his job. Ms. Wang would tell me to
 12 interpret for Mr. Kwok's conference.
 13 Q. When you say it's not Mr. Kwok's "job," what
 14 do you mean by that?
 15 A. I mean I don't -- at conferences, I don't
 16 really interpret for -- by his side. It's a conference.
 17 You know, it's an event, so I would interpret in that
 18 conference.
 19 Q. Okay. How about when you're acting as a
 20 check interpreter for Mr. Kwok?
 21 A. Right, and Ms. Francis would tell me the time
 22 and the date and the venue --
 23 Q. Uh-huh.
 24 A. -- and I would be there.
 25 Q. Did you ever have any communications with Max

Page 87

1 [REDACTED] - Highly Confidential
 2 Q. How often?
 3 A. He spoke with his counsel sometimes with
 4 broken English.
 5 Q. For how -- and they would be talking about
 6 legal matters?
 7 A. No, I don't think so. When talking in legal
 8 matters, I would be interpreting.
 9 Q. But otherwise, he speaks to counsel in broken
 10 English?
 11 A. Like "How are you?" That kind of thing.
 12 Q. How conversant is he in English?
 13 A. I have no idea.
 14 Q. From -- based on your observations?
 15 MR. HENZY: Objection. Asked and
 16 answered.
 17 (Pause.)
 18 THE WITNESS: He's okay,
 19 conversationally, with casual matters.
 20 BY MR. LUFT:
 21 Q. Have you ever received a check from any
 22 entity other than Golden Spring or the Zeisler firm in
 23 connection with your work on behalf of Mr. Kwok?
 24 (Pause.)
 25 THE WITNESS: Golden Spring and Zeisler.

Page 89

1 [REDACTED] - Highly Confidential
 2 Krasner?
 3 A. Max Krasner? No.
 4 Q. How about Aaron Mitchell?
 5 A. I saw him in court, and he would tell me if
 6 Mr. Kwok is going to be there late or he's there or
 7 something like that.
 8 Q. Daniel Podolski?
 9 A. He was around when there was -- when I was
 10 working in those conference.
 11 Q. What's the relationship like ...
 12 MR. LUFT: Let me strike that.
 13 BY MR. LUFT:
 14 Q. What's Ms. Wang's job for her boss, Mr. Kwok?
 15 A. I ...
 16 MR. HENZY: Objection, lack of
 17 foundation.
 18 THE WITNESS: I don't really know. I
 19 only get the request to interpret.
 20 BY MR. LUFT:
 21 Q. But you understand that Ms. Wang works for
 22 Mr. Kwok --
 23 A. Yes.
 24 Q. -- correct?
 25 A. Yes.

Page 90

1 [REDACTED] - Highly Confidential
 2 Q. Do you ever see Mr. Kwok give her directions?
 3 A. I did not see personally.
 4 Q. Have you ever worked for any other members of
 5 Mr. Kwok's family as an interpreter?
 6 A. No.
 7 (Pause.)
 8 BY MR. LUFT:
 9 Q. Have you been --
 10 What compensation have you been told you will
 11 receive for any testimony you give in this case?
 12 A. You mean here, now? For this --
 13 Q. For --
 14 A. -- or anything?
 15 Q. For anything --
 16 A. No.
 17 Q. -- related to this contempt motion.
 18 A. No. I give testimony in court or I --
 19 When I'm deposed, when it is a court case, I don't
 20 know that should be compensated.
 21 Q. So if you appear on Tuesday --
 22 A. Yeah.
 23 Q. -- you are not expecting to be compensated?
 24 A. Not as a witness.
 25 Q. What are you expecting to be compensated as?

Page 92

1 [REDACTED] - Highly Confidential
 2 Q. Which is \$500?
 3 A. No.
 4 Q. What is your half day rate?
 5 A. Do you have to ask me my rate? Really?
 6 Q. I'm sorry.
 7 A. Do I have to say that?
 8 MR. HENZY: You have to say it, yeah.
 9 THE WITNESS: Money should not be talked
 10 about in public. Anyway, 600.
 11 BY MR. LUFT:
 12 Q. Okay. Are you owed any money by Mr. Kwok on
 13 behalf of the work you've done for him to date?
 14 A. I haven't sent any invoice for today, so no.
 15 Q. How about for the work you've been doing up
 16 until today?
 17 A. I was not owed any money.
 18 Q. Okay.
 19 (Pause.)
 20 BY MR. LUFT:
 21 Q. Do you have any -- can you tell me what your
 22 highest --
 23 MR. LUFT: Let me strike that.
 24 BY MR. LUFT:
 25 Q. Can you tell me -- did you go to college?

Page 91

1 [REDACTED] - Highly Confidential
 2 A. If I were the check interpreter, yes, I will
 3 expect to be paid.
 4 Q. Are you going to be Mr. Kwok's check
 5 interpreter at the hearing on Tuesday?
 6 A. That's what I thought I was going to be.
 7 Q. When you say that's what you thought you were
 8 going to be, what do you mean?
 9 A. Because before you ask me the question
 10 whether I'm going to be testifying on Tuesday, and I did
 11 not know that I was.
 12 So I -- my whole -- my whole understanding was that
 13 I would be the check interpreter for that hearing.
 14 Q. So this is pretty surprising to you today,
 15 huh?
 16 A. Like I said, it may not have registered with
 17 me. Maybe it was mentioned. It's -- it's just I did
 18 not catch it. I thought that's only today, so yeah.
 19 Q. Will you be paid a thousand dollars for your
 20 work on Tuesday?
 21 A. Well, it depends on the time. If it is a
 22 whole day, yes.
 23 Q. If not, do you have an hourly rate?
 24 A. If it is falling into -- within four hours,
 25 that will be a half day rate.

Page 93

1 [REDACTED] - Highly Confidential
 2 A. Uh-huh, yes.
 3 Q. Where?
 4 A. England.
 5 Q. And what did you study?
 6 A. I got a bachelor degree in translation in
 7 Westminster University, England.
 8 Q. In connection with the work you've done in
 9 this matter --
 10 A. Uh-huh.
 11 Q. -- what -- what scholarly texts did you
 12 consult in forming -- in performing your work?
 13 A. I haven't consulted any scholarly work.
 14 Q. Have you reached out to any other experts in
 15 the field to consult with regard to any opinions you may
 16 have in this matter?
 17 A. No.
 18 Q. Can you describe for me the methodology you
 19 used in connection with your work in this matter?
 20 A. I listened to the audio, and then I
 21 transcribed the English part of the statements word by
 22 word, and then I translate the Chinese words into
 23 English and recorded them in my work product.
 24 Q. Do you have copies of that work product that
 25 you created?

Page 94

1 [REDACTED] - Highly Confidential

2 A. No. I don't have it with me.

3 Q. Do you have it at home?

4 A. I have it at home.

5 * MR. LUFT: Okay.

6 I would like to request copies of that

7 work -- [REDACTED] work with regard to

8 her opinions as well.

9 THE WITNESS: Sorry. But -- didn't --

10 Wasn't that the one that you were talking

11 about before? Are you talking about something

12 else? I haven't done any --

13 BY MR. LUFT:

14 Q. So you're --

15 You're referring to just the documents you provided

16 to Ms. Francis?

17 A. Right.

18 Q. Okay. There's no other drafts?

19 A. No.

20 Q. There's no other work product?

21 A. No.

22 Q. Okay. Prior to the 341 hearing, were you

23 involved in the preparation for it?

24 A. No.

25 Q. Did you meet with counsel and Mr. Kwok in

Page 96

1 [REDACTED] - Highly Confidential

2 belongs to Mr. Despina.

3 MR. HENZY: [REDACTED] answered the question.

4 THE WITNESS: No, I said.

5 BY MR. LUFT:

6 Q. Do you recall any discussion at the UBS

7 litigation?

8 A. No.

9 Q. Any discussion about lawsuit in the United

10 Kingdom?

11 A. What?

12 Q. A lawsuit in the United Kingdom?

13 (Pause.)

14 THE WITNESS: Counsel, my memory at the

15 moment is quite muddled.

16 I remember a lawsuit in the United

17 Kingdom mentioned, but probably in court, so I

18 cannot recall exactly -- you know.

19 BY MR. LUFT:

20 Q. Okay. Prior to hearing the name Ace Decade

21 at the 341 hearing --

22 A. Uh-huh.

23 Q. -- had you ever heard that name before?

24 A. I might have.

25 Q. Do you recall in what context?

Page 95

1 [REDACTED] - Highly Confidential

2 preparation for that hearing?

3 A. The 341?

4 I attended some meetings between Mr. Kwok and the

5 counsels, but I cannot recall specifically what -- what

6 meetings -- you know, what subject matters were

7 discussed.

8 Q. Do you recall if there was any discussion of

9 Ace Decade --

10 MR. HENZY: Objection.

11 THE WITNESS: No.

12 BY MR. LUFT:

13 Q. -- at that meeting?

14 A. No.

15 MR. HENZY: Objection. Move to strike.

16 Objection, attorney-client privilege. I

17 instruct her not to answer.

18 MR. LUFT: Mr. Kwok's privilege now

19 belongs to Mr. Despina on that issue.

20 (Thereupon, an informal discussion was

21 held off the record with the shorthand

22 reporter.)

23 MR. LUFT: Mr. Kwok's privilege with

24 regard to any work in connection with his

25 bankruptcy proceeding with Brown Rudnick now

Page 97

1 [REDACTED] - Highly Confidential

2 A. Probably between counsel's meeting.

3 Q. What's your best recollection of what you

4 heard discussed about Ace Decade prior to the 341

5 hearing?

6 A. I don't recall.

7 Q. After the -- immediately after the 341

8 hearing --

9 A. Uh-huh.

10 Q. -- did you have any discussion with anyone

11 with regard to the topic of Ace Decade?

12 A. No.

13 Q. Did you have any conversation with anyone

14 with regard to the question of mistranslation with

15 regard to any questions about Ace Decade?

16 A. Not after departing from the courtroom.

17 Q. Upon leaving the 341 hearing, did you tell

18 anyone that there were material misstatements made in

19 the translation with regard to Ace Decade?

20 (Pause.)

21 MR. HENZY: Objection. Ambiguous, vague.

22 THE WITNESS: I probably --

23 I probably would have said something

24 like -- like -- like a tirade -- you know.

25

Page 98

1 [REDACTED] - Highly Confidential

2 BY MR. LUFT:

3 Q. I'm asking you if you have a specific

4 recollection now of what you think you might have said.

5 Do you recall anything --

6 A. No.

7 Q. -- about any mistakes with regard to any

8 testimony as to Ace Decade?

9 A. No. I might have said something, but I don't

10 recall what I said.

11 (Pause.)

12 BY MR. LUFT:

13 Q. Okay. When you're translating, do you wait

14 until the speaker is done with their question to start

15 translating, or if it's a long question, do you make

16 them pause a translate a portion of the question and

17 then do another portion?

18 A. I usually wait until the question's asked

19 completely. Then I start to -- to interpret it.

20 Q. Do you take notes while the questioner is

21 speaking?

22 A. Yes.

23 Q. When you're acting as a check interpreter, do

24 you take notes?

25 A. Yes.

Page 100

1 [REDACTED] - Highly Confidential

2 that after the 341 hearing, that they wanted to see your

3 notes because they were concerned about the issue of

4 mistranslations?

5 A. No.

6 Q. Did Mr. Kwok tell you that he wanted you to

7 speak with his counsel with regard to the issue of

8 mistranslations?

9 A. No.

10 Q. Did anyone acting on behalf of Mr. Kwok talk

11 to you about the fact there were mistranslations at the

12 hearing that action should be taken about after the

13 hearing concluded?

14 A. No.

15 Q. Okay. When you're translating --

16 A. Uh-huh.

17 Q. -- do you consider the context of the

18 question?

19 A. Yes.

20 Q. How so?

21 A. Well, I think it has to be considered, right?

22 But you're asking me -- I don't know how to answer this

23 question, actually.

24 (Pause.)

25 THE WITNESS: When you say, "How so," you

Page 99

1 [REDACTED] - Highly Confidential

2 Q. Do you have any of the notes that you took

3 during Mr. Kwok's 341 hearing?

4 A. No.

5 Q. What happened to those notes?

6 A. Just discarded it.

7 Q. When did you get rid of them?

8 A. When the book is finished. Then I'll just --

9 I use steno pad, so when the pad is full, then I'll just

10 discard them.

11 Q. Do you know when you discarded your notes

12 with regard to the 341 hearing?

13 (Pause.)

14 THE WITNESS: It could be that day or it

15 could be out of the next meeting, because --

16 because --

17 I don't use one notepad for one case, so

18 it's continuous, so I actually can't recall

19 when I discarded that.

20 BY MR. LUFT:

21 Q. Did anyone from Mr. Kwok's counsel ask you

22 for copies of your notes with regard to any

23 translations?

24 A. No.

25 Q. Did anyone from Mr. Kwok's counsel tell you

Page 101

1 [REDACTED] - Highly Confidential

2 want me to give you examples?

3 You want me to tell you what kind of

4 context -- give -- like lay out a scenario or

5 what?

6 BY MR. LUFT:

7 Q. Let me ask it a different way.

8 A. Uh-huh.

9 Q. You said you have to consider context.

10 A. Yes.

11 Q. Why do you have to consider context?

12 A. Well, if it's just a line of questions, then

13 you have already interpreted previous questions and

14 then -- so the context is naturally following, right?

15 I mean, but if they are stand-alone questions,

16 then -- then there is no context involved.

17 Q. At the 341 hearing --

18 A. Uh-huh.

19 Q. -- the translator was sworn in to tell the

20 truth, correct?

21 A. Yes.

22 Q. As the check interpreter, you are not sworn

23 in, correct?

24 A. I think we were. I think all interpreters

25 are sworn.

Page 102

Page 103

1 [REDACTED] - Highly Confidential

2 Q. Okay. I guess we can look at the transcript

3 later, but your recollection is you were sworn in as a

4 translator at the 341 hearings?

5 A. I don't recall, but because there are times

6 that -- as check interpreters, we would be sworn in,

7 too, at court and at depositions.

8 So I may not have a clear recollection whether I

9 was sworn in at that specific court hearing, but as an

10 interpreter, we -- we -- we know we're always acting

11 under oath of our professional oath.

12 Q. Okay, and at the 341 hearing, a question

13 would be asked in English --

14 A. Uh-huh.

15 Q. -- correct?

16 A. Yes.

17 Q. -- and then you would hear the Chinese

18 translation?

19 A. Yes.

20 Q. And as the check interpreter, if there was a

21 problem with that question, you would either let

22 Mr. Baldiga know through a note or you would make a

23 statement, correct?

24 A. Yes.

25 Q. And if there was no problem with the

Page 104

1 [REDACTED] - Highly Confidential

2 Exhibit 3.

3 (Thereupon, two documents were marked by

4 the shorthand reporter as [REDACTED] Exhibit 2

5 and [REDACTED] Exhibit 3 for identification.)

6 MR. LUFT: Exhibit 2 will be a transcript

7 of telephonic 341 meeting of creditors, March

8 21, 2022 In Re: Ho Wan Kwok.

9 At the same time, I will also ask to mark

10 a copy of Exhibit 3, which is a transcript of

11 continued 341 Meeting of Creditors, April 6,

12 2022 In Re: Ho Wan Kwok.

13 MR. HENZY: Thank you.

14 BY MR. LUFT:

15 Q. [REDACTED] do you have what has been

16 marked as [REDACTED] Exhibit 2 and [REDACTED] Exhibit 3 in

17 front of you?

18 A. Yes.

19 Q. Have you ever seen either of these documents

20 before?

21 A. No.

22 Q. Have you ever seen portions of these

23 documents before?

24 A. I have seen a portion of a transcript before.

25 Q. Do you know if it's one of these two

1 [REDACTED] - Highly Confidential

2 question, you would neither pass a note nor make a

3 statement, correct?

4 (Pause.)

5 THE WITNESS: Most probably, that's

6 correct.

7 BY MR. LUFT:

8 Q. Okay, and then here, Mr. Kwok would give an

9 answer in Chinese --

10 A. Yes.

11 Q. -- and then the translator would translate

12 Mr. Kwok's answer to English --

13 A. Yes.

14 Q. -- correct?

15 A. Yes.

16 Q. And if you believed the translator made an

17 error in connection with translating Mr. Kwok's answer

18 into English --

19 A. Uh-huh.

20 Q. -- you would again either make a statement on

21 the record or pass Mr. Baldiga a note telling him that

22 there was an error, correct?

23 A. Most probably, yes.

24 Q. I'm going to hand you copies of what I am

25 going to mark as [REDACTED] Exhibit 2 and [REDACTED]

Page 105

1 [REDACTED] - Highly Confidential

2 transcripts?

3 A. I don't know.

4 Q. Okay. Do you want to take a second to look

5 through the documents and see if you've seen any portion

6 of these documents before?

7 MR. HENZY: Do you want to point [REDACTED] to

8 the portion that you're probably --

9 MR. LUFT: What I'm interested in is if

10 [REDACTED] seen -- look, if you want to --

11 I'm trying to give your witness the

12 opportunity to look at it. If you don't want

13 [REDACTED] to, she doesn't have to.

14 MR. HENZY: [REDACTED]...

15 (Pause.)

16 THE WITNESS: Right. I think it's the --

17 I have seen a portion of the transcript

18 of the April 6th meeting.

19 BY MR. LUFT:

20 Q. Okay, and what portion of that have you seen?

21 (Pause.)

22 THE WITNESS: Sixty-one. Page 61. Let

23 me see.

24 (Pause.)

25 THE WITNESS: Page 60, 61.

Page 106

1 [REDACTED] - Highly Confidential
 2 (Pause.)
 3 THE WITNESS: Sixty-two. I think it's
 4 about that.
 5 BY MR. LUFT:
 6 Q. Okay, so page 60 through 62 are the only
 7 pages of the transcript that you've seen before? Pages
 8 60 to 62 --
 9 A. I think so.
 10 Q. And those are the portions Ms. Francis shared
 11 with you?
 12 A. Yes.
 13 Q. Other than the -- those portions of the
 14 transcript --
 15 A. Uh-huh.
 16 Q. -- can you tell me what else where your
 17 memory's been refreshed, what else you recall about the
 18 questioning from the 341 hearings?
 19 MR. HENZY: Objection, vague and
 20 ambiguous.
 21 THE WITNESS: So you're asking me apart
 22 from the --
 23 BY MR. LUFT:
 24 Q. Apart --
 25 A. -- from the transcript?

Page 108

1 [REDACTED] - Highly Confidential
 2 Q. Would this have been an instance where you
 3 passed Mr. Baldiga a note and that's how he knew you had
 4 an issue?
 5 (Pause.)
 6 THE WITNESS: Probably.
 7 BY MR. LUFT:
 8 Q. Okay. If I turn to page 33, turn to line 12,
 9 Mr. Baldiga says, "Hold on. There's a mistranslation
 10 there."
 11 Do you think that's another instance of you passing
 12 Mr. Baldiga a note?
 13 (Several people enter the conference
 14 room.)
 15 MR. BASSETT: Let's go off the record.
 16 MR. HENZY: Sorry about that.
 17 THE VIDEOGRAPHER: The time is 11:15 a.m.
 18 We're going off the record.
 19 (Recess taken at 11:15 a.m.)
 20 (Resumed at 12:03 p.m.)
 21 THE VIDEOGRAPHER: The time is 12:03 p.m.
 22 We're back on the record.
 23 BY MR. LUFT:
 24 Q. [REDACTED] I believe the last one I
 25 showed you was on page 33. I will ask you to turn to

Page 107

1 [REDACTED] - Highly Confidential
 2 Q. From the few pages that Ms. Francis shared
 3 with you --
 4 A. Right.
 5 Q. -- what else do you have a clear recollection
 6 of from the 341 hearing?
 7 A. I don't have any specific recollection of the
 8 341 meeting except there were a lot of chaotic moments
 9 and my dis- -- dissatisfaction of the situation caused
 10 by the interpreting, but --
 11 There is a general recollection of what -- what --
 12 what that day -- of that day, but I don't have any other
 13 specific recollection.
 14 Q. Okay. Let's look at Exhibit 2. I will ask
 15 you to first turn to page 31 and 32.
 16 A. 31 and 32?
 17 Q. And I'll direct you specifically to the
 18 bottom of page 31 that carries over to 32.
 19 Do you see, on the bottom, it says "Mr. Baldiga:
 20 Our interpreter believes that the response was that if
 21 he had a role at Golden Spring" -- do you see that?
 22 A. Uh-huh, yes.
 23 Q. Are you the interpreter Mr. Baldiga is
 24 referring to there?
 25 A. I believe so.

Page 109

1 [REDACTED] - Highly Confidential
 2 page 45.
 3 Do you see in the middle of the page, line 16,
 4 Mr. Baldiga says, "There's a translation issue"?
 5 A. Page 35?
 6 Q. Page 45.
 7 A. Oh.
 8 Q. Line 16.
 9 (Pause.)
 10 THE WITNESS: Yes.
 11 BY MR. LUFT:
 12 Q. And again, do you believe that's one of the
 13 instances where you passed Mr. Baldiga a note to express
 14 your concern about the translation?
 15 A. Yes.
 16 Q. Okay. Page 54. If you look at line 7,
 17 Mr. Baldiga -- this is Bill Baldiga.
 18 "I'm sorry. I think there was a translation
 19 issue." He goes on.
 20 Is this another instance where you would have
 21 passed Mr. Baldiga a note where you had a concern that
 22 there was a translation issue?
 23 A. Yes.
 24 Q. And to be clear, I don't mean to imply that
 25 I'm being comprehensive here with regard to all of

Page 110

1 [REDACTED] - Highly Confidential
 2 these. I'm just citing examples to understand.
 3 A. Uh-huh.
 4 Q. Turn to page 59.
 5 (Pause.)
 6 BY MR. LUFT:
 7 Q. Do you see, line 7, "Mr. Baldiga: We have a
 8 translation issue. Hold on one second. I think our
 9 interpreter is hearing this translation."
 10 Do you see that?
 11 A. Yes.
 12 Q. You are the interpreter he's referring to?
 13 A. Yes.
 14 Q. And you would have passed Mr. Baldiga a note?
 15 A. Yes.
 16 Q. And this deposition was -- this -- sorry.
 17 This hearing was conducted remotely?
 18 A. Oh, it was?
 19 Q. I'm asking.
 20 A. I don't.
 21 Q. Do you recall?
 22 A. I don't remember.
 23 Q. Okay. When I look through this day's
 24 transcript --
 25 A. Uh-huh.

Page 112

1 [REDACTED] - Highly Confidential
 2 find any reference to you actually speaking on the
 3 record as opposed to Mr. Baldiga just making objections
 4 at your suggestion?
 5 (Pause.)
 6 THE WITNESS: Counsel, you're asking me
 7 to look through the document to see whether
 8 there was any part of it that where it
 9 mentions "private interpreter"? Is that what
 10 your question is?
 11 BY MR. LUFT:
 12 Q. Correct. When I looked through this
 13 document, I didn't see any reference to you. I could
 14 have missed one.
 15 I'm asking for you -- not that you have to look
 16 line listened by line --
 17 A. Uh-huh.
 18 Q. -- but if you could just give a quick
 19 once-over and see if it -- if you see any reference to
 20 statements by yourself in the transcript from March
 21 21st.
 22 A. Right. I flipped through it briefly, and I
 23 don't see myself mentioned.
 24 Q. Okay, so based on that and your -- do you
 25 think -- does this comport with your recollection that

Page 111

1 [REDACTED] - Highly Confidential
 2 Q. -- I did not -- I didn't find any -- that's
 3 not to say there is not -- there may not be one, but
 4 I -- I welcome you to look. I did not see any
 5 references to private interpreter speaking or someone
 6 with your name speaking.
 7 Does that comport with your recollection that at
 8 the first 341 hearing, Mr. Baldiga was making the
 9 objections and you were not speaking?
 10 (Pause.)
 11 THE WITNESS: I have no recollection of
 12 what happened --
 13 BY MR. LUFT:
 14 Q. Okay.
 15 A. -- and I assume when he said the
 16 interpreter's -- you know, raising issue, and since I
 17 did not speak, I assume that I was handing him the note,
 18 but --
 19 That is my assumption --
 20 Q. Okay.
 21 A. -- but I have no recollection one way or the
 22 other what happened.
 23 Q. Can I take you -- ask you to take a moment --
 24 A. Right.
 25 Q. -- and look at Exhibit 2 and see if you can

Page 113

1 [REDACTED] - Highly Confidential
 2 there was a portion of the transcript of the 341
 3 hearing, excuse me, where you were passing Mr. Baldiga
 4 notes --
 5 A. Probably.
 6 Q. -- in connection as opposed to when you made
 7 a decision to start making -- speaking verbally
 8 yourself?
 9 A. Probably, but ... the thing is that it --
 10 it --
 11 It's quite puzzling to me because it's quite unlike
 12 me that I would not raise any oral issue, just handing
 13 him notes without -- you know, ever at one minute raise
 14 a dispute.
 15 It could be that I was just not recorded. I don't
 16 know. Sometimes it was a decision made by court
 17 reporting.
 18 Q. So you believe you may have spoken but the
 19 court reporter just didn't take down what you said on
 20 the record?
 21 A. Sometimes decisions were made that since the
 22 private interpreter is not an official interpreter, so
 23 the dispute raised was not recorded.
 24 Sometimes like that. It could be like that. I
 25 don't know. I don't see myself there (indicating). It

Page 114

1 [REDACTED] - Highly Confidential
 2 could be that I just hand him notes.
 3 But I just find that sometimes that if I handed him
 4 so many notes, it would be quite unlike me that I did
 5 not raise any verbal dispute -- oral dispute, yeah.
 6 Q. Do you see on the front cover of this
 7 document, it says "Transcript prepared by Christine
 8 Fiori"?
 9 A. Uh-huh.
 10 THE SHORTHAND REPORTER: "Yes" or "no"?
 11 THE WITNESS: Yes.
 12 BY MR. LUFT:
 13 Q. Let's take a look at Exhibit 3, which is the
 14 April 6th hearing.
 15 Do you see on the front cover of this transcript it
 16 was also prepared by Christine Fiori?
 17 A. Right.
 18 Q. You see that?
 19 A. Yes.
 20 Q. Same person, correct?
 21 A. Yes.
 22 Q. Okay. Now, if we turn to page 10 of this
 23 transcript -- or let's first go to page 6.
 24 (Pause.)
 25

Page 116

1 [REDACTED] - Highly Confidential
 2 Q. And Ms. Claiborne asks you to stop
 3 interrupting?
 4 A. Yes.
 5 Q. And you agree, correct?
 6 A. Yes.
 7 Q. Then if you go to page 16 -- to page 13,
 8 again, at the top of the page, you raise an objection
 9 with regard to the interpreter?
 10 A. Yes.
 11 Q. And then, if we go to page 16, you have
 12 another lengthy objection?
 13 A. Yes.
 14 Q. So clearly, on this day the court reporter
 15 was taking down your statements, correct?
 16 A. Yes.
 17 Q. And to the extent you had objections, you
 18 were saying them on the record, correct?
 19 A. Yes.
 20 Q. Okay, and if we go to pages 21 through 22,
 21 same thing? You're making objections on the record?
 22 A. Yes.
 23 Q. And the reason you're making these objections
 24 is because you think there's been a mistake made in the
 25 translation, correct?

Page 115

1 [REDACTED] - Highly Confidential
 2 BY MR. LUFT:
 3 Q. Do you see, in the middle of the page and on
 4 next page, there are multiple references to "the private
 5 interpreter"?
 6 A. Yes.
 7 Q. Is that you?
 8 MR. HENZY: Sorry. You're --
 9 MR. LUFT: Six and seven, Eric, middle of
 10 the page and then the next page.
 11 MR. BASSETT: Exhibit 3. It might be 2.
 12 MR. HENZY: Oh, I'm on Exhibit 2. Sorry.
 13 THE WITNESS: Yes.
 14 BY MR. LUFT:
 15 Q. Okay. Are you the private interpreter that
 16 is being referenced?
 17 A. Yes.
 18 Q. So these --
 19 Where it says "the private interpreter," those are
 20 your statements, correct?
 21 A. Yes.
 22 Q. Okay, and if I turn to page 10, do you see
 23 there is a back and forth with regard to a translation
 24 between you and the official interpreter?
 25 A. Yes.

Page 117

1 [REDACTED] - Highly Confidential
 2 A. Yes.
 3 Q. And you want to correct it?
 4 A. Yes.
 5 Q. Another example, page 39. Do you see page
 6 39, line 15?
 7 A. Are.
 8 Q. Line 11, the question was "Do you have
 9 authority to enter into financial transactions on behalf
 10 of Golden Spring New York?"
 11 And you raise an issue, saying, "No, no. That's
 12 not the question," correct?
 13 A. It appears so.
 14 Q. So where you thought that there was a problem
 15 with the question, you let the court reporter know that
 16 it had -- and the translator that it had been
 17 mistranslated, correct?
 18 A. I believe so.
 19 Q. And if you turn to page 62 --
 20 A. Did you say 52 or 62?
 21 Q. Sixty-two, [REDACTED]
 22 We see, again, when you had an issue with a
 23 question, you raised it on the record and it's recorded
 24 as "the private interpreter," correct?
 25 A. Based on what it appear [sic] here, yes.

Page 118

1 [REDACTED] - Highly Confidential

2 Q. If I turn to page 60, there is no reference

3 to any statements by you taking the issue -- with taking

4 issue with any translations, correct?

5 A. Uh-huh. That's correct, here. This is the

6 part that is the chaos.

7 Q. But there is no reference to you saying

8 anything, correct?

9 (Pause.)

10 THE WITNESS: Not on this transcript

11 record.

12 BY MR. LUFT:

13 Q. And if I turn to page 61, again, no reference

14 to you raising any objection to any translation issues,

15 correct?

16 A. Not on the record here on this transcript.

17 Q. And as we talked about on page 62, when you

18 had an objection, it was recorded on the record,

19 correct?

20 A. On this record of this page, yes.

21 (Pause.)

22 THE WITNESS: I think that is why

23 sometimes --

24 MR. HENZY: There's no question.

25 THE WITNESS: Okay.

Page 120

1 [REDACTED] - Highly Confidential

2 Q. So to the extent I look at the document you

3 created for Ms. Francis and there is no reference to you

4 making an objection with regard to the translation, it's

5 safe to say that when you listened to the audio, you did

6 not hear yourself make any such objection, correct?

7 A. Correct.

8 Q. Okay. If I look at page 60 of --

9 A. I may have handed a note, though.

10 Q. So on this page, you may have reversed course

11 and all of a sudden started handing Mr. Baldiga a note

12 in the middle of this?

13 MR. HENZY: Objection to the form of the

14 question. It's argumentative.

15 THE WITNESS: Probably.

16 BY MR. LUFT:

17 Q. You recall handing Mr. Baldiga a note?

18 A. I actually recall that I handed in notes to

19 Mr. Baldiga around that time. I don't know exactly

20 which line. Yes, I do.

21 Q. Okay. Can you look at page 60?

22 A. Yes.

23 Q. Mr. Baldiga make any objection here with

24 regard to the translation?

25 A. No.

Page 119

1 [REDACTED] - Highly Confidential

2 (Pause.)

3 BY MR. LUFT:

4 Q. When you were doing your translation for

5 Ms. Francis --

6 A. Uh-huh.

7 Q. -- if you heard on the audio recording things

8 that were said that were not included in the record,

9 would you have included them?

10 A. Yes.

11 Q. So to the extent on your translation there is

12 no reference to any objection coming from you, that's

13 based on your listening to the audio and finding in fact

14 you made no objection, correct?

15 A. Can you repeat that question?

16 Q. Sure. If I was to look at the document you

17 produced for Ms. Francis --

18 A. Yes.

19 Q. Let me be clear.

20 A. Yes.

21 Q. To the extent you heard something on the

22 audio that was not accurately recorded on the

23 transcript, you would have included it in the document

24 you created for Ms. Francis, correct?

25 A. Yes.

Page 121

1 [REDACTED] - Highly Confidential

2 Q. Would you look at page 61? Mr. Baldiga make

3 any objection with regard to the translation at your

4 behest?

5 A. Not in here.

6 Q. Did he make any objection to the translation

7 at all?

8 A. Not that appears here.

9 Q. Okay. In your translation that you did for

10 Ms. Francis, if there is no reference to Mr. Baldiga

11 making an objection --

12 A. Uh-huh.

13 Q. -- is it safe to say that when you listened

14 to the audio, you did not hear Mr. Baldiga make any

15 objection?

16 A. If I did not recall that, that's correct,

17 then he did not make any.

18 (Pause.)

19 BY MR. LUFT:

20 Q. If I could ask you to pull back Exhibit 1 --

21 [REDACTED] Exhibit 1 -- which is the debtor's objection,

22 turn again to page 11 and go back to that first

23 sentence.

24 "At any hearing on the motion, the debtor will put

25 on testimony from an interpreter as to the many material

Page 122

1 [REDACTED] - Highly Confidential

2 deficiencies in the official translation of the 341

3 meeting."

4 Do you see that?

5 A. Uh-huh, yes.

6 Q. Okay. I believe you've testified that other

7 than the portion of the transcript that Ms. Francis sent

8 you, you have not looked at the reference the 341

9 hearing; is that correct?

10 A. That's correct.

11 Q. I believe you testified with the exception of

12 the transcript that Ms. Francis sent you where she

13 refreshed your recollection, you have no specific

14 recollection of any specific mistakes made in the

15 translation from the 341 hearing, correct?

16 A. Not specific --

17 Not specifically, but I remember there were

18 mistakes made.

19 Q. But you don't recall what they were?

20 A. That's correct.

21 Q. So other than those pages that Ms. Francis

22 sent you, which is 60 to 62, you have no recollection,

23 sitting here today, of any specific material deficiency

24 in the official translation of the 341 meeting?

25 A. Not specifically.

Page 124

1 [REDACTED] - Highly Confidential

2 objections on pages 60 and 61, then based on your

3 re-listening to the hearing, you did not hear yourself

4 make any objection to any alleged material deficiency --

5 A. Not --

6 Q. -- in the transcript?

7 A. -- verbally.

8 Q. When you say, "not verbally" --

9 A. Right.

10 Q. -- what do you mean?

11 A. I am listening to the audio of that

12 transcript.

13 I don't hear myself, so I could not transcribe

14 what -- motions or actions -- you know, so no, I did not

15 record any oral objection that I raised, because I did

16 not make any oral objection or disputes.

17 Q. Okay, and if there is no reference to

18 Mr. Baldiga making any objection to any translation for

19 any reason, including because you've told him to do so

20 as we saw him do multiple times previously --

21 A. Uh-huh.

22 Q. -- then you did not hear any objection by Mr.

23 Baldiga with regard to any of the testimony on pages 60

24 or 61?

25 A. That's correct.

Page 123

1 [REDACTED] - Highly Confidential

2 Q. And if we look at pages 60 and 61 of the 341

3 hearing, you made no objection to any material

4 deficiency in the translation, correct?

5 A. Can you say that again?

6 Q. Sure.

7 If you turn to Exhibit 3 and look at pages 60 and

8 61 --

9 A. Page 60 to 61?

10 (Pause.)

11 THE WITNESS: Yes.

12 BY MR. LUFT:

13 Q. There is no record of you making any

14 statement or objection to any purported material

15 deficiency in the translation on page 60 or 61, correct?

16 A. Not purportedly.

17 Q. All right.

18 There's no reference to you making any such

19 objection at all, correct?

20 A. Not on this record.

21 Q. And if I looked at your transcript and there

22 is no reference to you making such an objection, that

23 means -- when I say, "your transcript," I mean the one

24 you prepared for Ms. Francis.

25 If there is no reference to you making any such

Page 125

1 [REDACTED] - Highly Confidential

2 Q. Okay.

3 (Pause.)

4 BY MR. LUFT:

5 Q. Now, if we look back at Exhibit 1, on the

6 line that follows on page 11 --

7 MR. LUFT: Actually, strike that.

8 (Pause.)

9 BY MR. LUFT:

10 Q. Can you look at Exhibit 3?

11 Other than pages 60 and 61 and 62, sitting here

12 today, can you tell me of any other material deficiency

13 in the translation that you're aware of other than in an

14 instance where you made an objection on the record or

15 asked Mr. Baldiga to do so?

16 A. As I'm sitting here today, I have not looked

17 through any pages except page 60 to 62.

18 I cannot say specifically what material mistake

19 that was -- that were recorded or that were made.

20 Q. Okay.

21 (Pause.)

22 BY MR. LUFT:

23 Q. Can I ask you to turn to Exhibit 2?

24 (Pause.)

25

Page 126

1 [REDACTED] - Highly Confidential

2 BY MR. LUFT:

3 Q. First, turn to page 12.

4 Do you see on line 8, it says "Other names I

5 believe I heard earlier are [REDACTED] who is an

6 interpreter.

7 Do you believe that is a reference to you?

8 A. Yes. Can -- am I looking at the same page?

9 MR. HENZY: Go ahead, Avi. Go ahead.

10 Page 12?

11 BY MR. LUFT:

12 Q. It's Exhibit 2.

13 MR. HENZY: Exhibit 2.

14 BY MR. LUFT:

15 Q. Page 12, line 8 through 10.

16 A. Right. Yes.

17 Q. Great. Okay. Can you turn to page 49? Do

18 you see, starting at line 5, it says:

19 "Mr. Kwok, who are the owners of Golden Spring?

20 "Answer: My son.

21 "Are there any owners of Golden Spring other than

22 your son?

23 "No.

24 "Mr. Kwok, have you ever owned an interest in

25 Golden Spring?

Page 128

1 [REDACTED] - Highly Confidential

2 Mr. Baldiga was -- some -- saying

3 something on line 16, right?

4 BY MR. LUFT:

5 Q. Right. He's talking about some type of

6 physical security concerns --

7 A. Oh.

8 Q. -- right?

9 A. Right.

10 Q. It's not any objection to the translation --

11 A. Okay.

12 Q. -- correct?

13 A. Okay.

14 Q. Do you agree with me?

15 A. Agreed.

16 Q. Okay, so you have no reason to believe that

17 the translator did not translate the portion I read to

18 you perfectly, correct?

19 A. Correct.

20 Q. Okay.

21 (Pause.)

22 BY MR. LUFT:

23 Q. Now, if I go back to Exhibit 1 --

24 I'm going to ask you to keep out Exhibit 3 and

25 Exhibit 1. You can put Exhibit 2 to the side for now,

Page 127

1 [REDACTED] - Highly Confidential

2 "Answer: No."

3 Did I read that correctly?

4 A. Yes.

5 Q. And there's no objection to the translation

6 by you there?

7 A. No.

8 Q. No objection by Mr. Baldiga?

9 A. No.

10 Q. Do you have any reason to believe that any

11 portion of that transcript was mistranslated by the

12 translator?

13 A. No.

14 Q. Okay.

15 (Pause.)

16 THE WITNESS: But --

17 MR. HENZY: There's -- there's no

18 question. It's okay.

19 (Pause.)

20 BY MR. LUFT:

21 Q. Something else you wanted to add?

22 A. I was just looking at the --

23 MR. HENZY: Well, now he's asked a

24 question, so you can.

25 THE WITNESS: No. I mean, he --

Page 129

1 [REDACTED] - Highly Confidential

2 but not too far. I'm going to ask you to turn back to

3 page 11 --

4 A. Of?

5 Q. -- of Exhibit 1. Sorry, ma'am.

6 (Pause.)

7 BY MR. LUFT:

8 Q. Do you see it says, second line of the --

9 complete line of the page:

10 "As an example, while the 'official' translation of

11 the April 6, 2022 341 meeting has the debtor answer "no"

12 in response to the U.S. trustee's question, are there

13 any other owners of Ace Decade?"

14 Just prior to that question, according to the

15 official translation, the debtor reportedly answered the

16 U.S. trustee's question "Are you the only legal owner of

17 Ace Decade?" by stating that he was a legal representing

18 owner.

19 Do you see that?

20 A. Yes.

21 Q. I'm just asking you about the translation,

22 when you went over that part. This is part of the

23 portion you looked over for Ms. Francis, correct?

24 A. Yes.

25 Q. The question was correctly translated to the

Page 130

1 [REDACTED] - Highly Confidential

2 debtor. "Are there any other owners of Ace Decade,"

3 correct? That was correctly translated?

4 (Pause.)

5 BY MR. LUFT:

6 Q. If you want, I can turn you to Exhibit 3, if

7 it's helpful. This is coming from page 61, I believe.

8 A. Say that again. What page, again?

9 Q. I believe this is page 61.

10 A. Sixty-one.

11 Q. I believe we're looking at -- lines 6 and 7,

12 I believe, is what the debtor's counsel was quoting.

13 (Pause.)

14 BY MR. LUFT:

15 Q. Sorry. Not six and seven.

16 No, that's correct. Six and seven, I believe is

17 what's being referenced in that paragraph.

18 A. Sixty-one?

19 Q. Do you see line 6, "Are there any other

20 owners of Ace Decade?"

21 "Answer: No."

22 Do you see that?

23 A. I see that.

24 Q. And that was correctly translated, right?

25 A. Purportedly, yes.

Page 132

1 [REDACTED] - Highly Confidential

2 A. No.

3 Q. Okay.

4 (Pause.)

5 BY MR. LUFT:

6 Q. The next line on Exhibit 1 says "The debtor's

7 interpreter will testify, however, that the proper

8 interpretation of the debtor's response to U.S.

9 trustee's question 'Are you the only legal owner of Ace

10 Decade?' was 'I am legally representing the owner.'"

11 [REDACTED] did you tell counsel for the debtor

12 that that is what you were going to testify to the

13 court?

14 A. I did not tell that to anyone. No one asked

15 me that question.

16 Q. Okay.

17 (Pause.)

18 BY MR. LUFT:

19 Q. Now, I believe that is a reference to lines 3

20 through 5 of page 61. Do you see that?

21 A. Yes.

22 Q. It says "Are you the only legal owner of Ace

23 Decade?"

24 Sitting here today, do you recall if that question

25 was properly translated into Chinese?

Page 131

1 [REDACTED] - Highly Confidential

2 Q. When you say, "purportedly," what do you

3 mean?

4 A. Because it's written in here (indicating).

5 Q. Okay, but when you did your analysis --

6 A. Right.

7 Q. -- you also thought that that's what --

8 A. Okay. If that appears on -- on mine, yes.

9 Q. Well, do you recall? Do you have a --

10 (Thereupon, an informal discussion was

11 held off the record with the shorthand

12 reporter.)

13 BY MR. LUFT:

14 Q. Sitting here today, do you recall if that

15 line was correctly translated?

16 A. I don't recall when I'm sitting here that

17 that line was correctly translated.

18 Q. Sitting here today, do you have a

19 recollection of the translation you did with regard to

20 page 60 and 61?

21 A. No.

22 Q. So if I was to look over pages 60 and 61,

23 sitting here today, looking at the transcript, you could

24 not tell me which lines were correctly translated in

25 your opinion and which lines were not?

Page 133

1 [REDACTED] - Highly Confidential

2 A. Sitting here today, I -- I am unable to say

3 whether it was properly translated.

4 Q. So you cannot tell me if you are offering any

5 expert opinion with regard to whether that line was

6 properly translated?

7 MR. HENZY: Objection. That's -- that

8 was not [REDACTED] testimony.

9 BY MR. LUFT:

10 Q. That's my question to you.

11 A. Without any material help me, I cannot just

12 rely on my recollection to tell you that that was

13 properly translated or not.

14 Q. Okay. I have provide you the transcript,

15 correct?

16 A. This is a transcript, yes (indicating). You

17 have provided me with this transcript, yes, appeared

18 before me.

19 Q. I'm asking:

20 Sitting here today, can you tell me if you're

21 planning to offer any opinion with regard to whether the

22 question "Are you the only legal owner of Ace Decade?"

23 was properly translated into Chinese at the time by the

24 official interpreter?

25 MR. HENZY: Objection, argumentative.

Page 134

1 [REDACTED] - Highly Confidential

2 THE WITNESS: I cannot offer an expert

3 opinion or professional opinion whether this

4 was properly translated (indicating) just

5 based on this transcript before me, without

6 any other audio file or to -- to -- to help.

7 BY MR. LUFT:

8 Q. Okay, and if I look at next line, the answer

9 "I am a legal representing owner," sitting here today,

10 can you tell -- tell me if you're offering any expert

11 opinion with regard to whether that sentence was

12 properly translated into -- by the official interpreter?

13 MR. HENZY: Objection. Vague, ambiguous.

14 THE WITNESS: No, I cannot, without any

15 audio file to assist.

16 BY MR. LUFT:

17 Q. So sitting here today, you cannot tell me if

18 you plan to offer any expert opinion with regard to

19 lines 3 through 5 of page 61 of the April 6th 341

20 transcript?

21 A. Not without the audio file to cross-reference

22 with this transcript.

23 (Pause.)

24 BY MR. LUFT:

25 Q. Okay.

Page 136

1 [REDACTED] - Highly Confidential

2 Q. And there's no objection from you to that

3 question?

4 A. Not appear to be.

5 Q. No objection from Mr. Baldiga, correct?

6 A. Not appeared to be, yes.

7 Q. Sitting here today, can you tell me if you

8 plan to offer any expert opinion as to whether that

9 question and answer on page 60 of the transcript that is

10 Exhibit 3 was correctly translated?

11 (Pause.)

12 THE WITNESS: I can't without the audio

13 file.

14 (Pause.)

15 BY MR. LUFT:

16 Q. Okay. When was the last time you listened to

17 the audio file?

18 A. That portion of the audio file that was given

19 to me by Ms. Francis --

20 The last time I listened to it was the date I

21 worked on it and ... it would be the day or several days

22 before I sent it back to her.

23 Q. Did anyone play that audio file for you in

24 preparation for this deposition?

25 A. No.

Page 135

1 [REDACTED] - Highly Confidential

2 A. Did I say not with or not without? Not

3 without, I should say.

4 MR. HENZY: I think you said not without.

5 MR. LUFT: That's what I heard.

6 MR. HENZY: That's what I heard, too.

7 MR. LUFT: I'm not following along with

8 the realtime. Okay.

9 (Pause.)

10 BY MR. LUFT:

11 Q. Sitting here today, can you tell me, if I was

12 to look at lines 3 through 10, what you believe in your

13 opinion the proper translation of those lines should

14 have been?

15 A. No, I can't.

16 Q. Okay.

17 (Pause.)

18 BY MR. LUFT:

19 Q. If I ask you to look at page 60, line 16, do

20 you see it says:

21 "Question: Mr. Kwok, do you own any interest in a

22 company called Ace Decade Holdings Limited?

23 "Answer: Yes."

24 Do you see that?

25 A. I see that.

Page 137

1 [REDACTED] - Highly Confidential

2 Q. And sitting here today, to your knowledge,

3 you cannot tell me if you know that there is anything

4 wrong with the question and answer at line 16 through 18

5 on page 60?

6 A. I'm unable -- I am unable to tell you whether

7 there is anything wrong with it.

8 Q. And same thing with regard to lines 3 through

9 10 on page 61?

10 A. Same thing happen with those lines.

11 MR. LUFT: Okay. Let's take a break real

12 quick and see where we are.

13 THE VIDEOGRAPHER: The time is 12:39 p.m.

14 We're going off the record.

15 (Recess taken at 12:39 p.m.)

16 (Resumed at 12:48 p.m.)

17 THE VIDEOGRAPHER: The time is 12:48 p.m.

18 We're back on the record.

19 * MR. LUFT: Okay.

20 [REDACTED] I am going to renew my

21 request for the emails you described between

22 yourself and Ms. Francis and any other counsel

23 representative of Mr. Kwok.

24 And I'm going to reserve right to ask you

25 additional questions if I'm provided those

Page 138

1 [REDACTED] - Highly Confidential
 2 documents, which I should be, but other than
 3 that, I have no further questions for you at
 4 this time.
 5 THE WITNESS: You are asking me --
 6 MR. HENZY: You don't need to answer.
 7 THE WITNESS: Okay. I just have a couple
 8 questions.
 9 MR. LUFT: Okay.
 10
 11 CROSS-EXAMINATION
 12 BY MR. HENZY:
 13
 14 Q. Mr. Luft asked you some questions about
 15 whether Yvette Wang was an employee of Mr. Kwok. When
 16 was the last time Yvette Wang called you about a job?
 17 A. It's a long, long time ago. I --
 18 Q. More than two years ago?
 19 A. Probably.
 20 Q. Okay. More than three years ago?
 21 A. I cannot be certain.
 22 Q. Okay, but -- but -- okay.
 23 Do you have any knowledge of whether or not
 24 Ms. Wang is an employee of Mr. Kwok today?
 25 A. I don't know.

Page 140

1 [REDACTED] - Highly Confidential
 2 Q. It says "Transcript of Continued 341 Meeting
 3 of Creditors"?
 4 A. Yes.
 5 Q. That's for April 6th, right?
 6 A. Yes.
 7 Q. It doesn't say "telephonic" there, correct?
 8 A. Correct.
 9 MR. LUFT: Leading.
 10 MR. HENZY: Okay. I don't have anything
 11 further.
 12 MR. LUFT: Okay.
 13
 14 REDIRECT EXAMINATION
 15 BY MR. LUFT:
 16
 17 Q. Ms. Wang, why did you assume -- sorry.
 18 [REDACTED] why did you assume Ms. Wang is an
 19 employee of Mr. Kwok?
 20 A. She called me for -- to be -- to do the
 21 interpreting for the event, so --
 22 Q. Why -- why did that lead you to believe that
 23 she worked for Mr. Kwok?
 24 A. Well, she's in that office, I assume. So
 25 she's calling for -- well, when someone calls you for a

Page 139

1 [REDACTED] - Highly Confidential
 2 MR. LUFT: Objection, foundation.
 3 BY MR. HENZY:
 4 Q. Okay, but -- you can answer, but --
 5 A. I don't know.
 6 Q. Okay. Okay. Did --
 7 Do you know whether she ever was, in fact, an
 8 employee of Mr. Kwok?
 9 MR. LUFT: Objection, leading.
 10 THE WITNESS: I don't. I only assume.
 11 MR. HENZY: Okay. I -- okay. That's ...
 12 (Pause.)
 13 BY MR. HENZY:
 14 Q. Just -- can you look at Exhibit 2 and Exhibit
 15 3?
 16 (Pause.)
 17 BY MR. HENZY:
 18 Q. On Exhibit 2, on the very first page, if you
 19 go to the -- where it says -- do you see where it says
 20 "Transcript of Telephonic 341 Meeting of Creditors"?
 21 A. Yes, I see it.
 22 Q. Okay. Do you see where it says "Telephonic"?
 23 A. Yes.
 24 Q. Okay. Then, go to Exhibit 3.
 25 A. Uh-huh.

Page 141

1 [REDACTED] - Highly Confidential
 2 job, then you assume she's the staff of that office,
 3 right?
 4 Q. That office is Golden Spring?
 5 A. At the time, I believe so.
 6 Q. And Mr. Kwok's the head of Golden Spring, so
 7 it makes sense, right?
 8 A. I don't know.
 9 Q. But you said she works for Mr. Kwok. Is the
 10 job for him?
 11 A. Because that conference was a conference
 12 of -- of a subject that is Mr. Kwok's. It -- it --
 13 that -- the conference is about anti-Chinese Communist
 14 Party, so that is Mr. Kwok's subject.
 15 And then I was engaged to be his interpreter, so I
 16 assumed she was from his office, and I don't know
 17 anything other than that.
 18 Q. At the conference, who else did you meet from
 19 Mr. Kwok's office?
 20 A. But that conference did not take place.
 21 Q. At any of the other conferences you worked,
 22 who else from Mr. Kwok's office did you meet?
 23 A. I don't meet with anyone.
 24 Q. You've never met anyone else --
 25 A. Not --

Page 142

1 [REDACTED] - Highly Confidential

2 Q. -- from Mr. Kwok's office?

3 A. -- not -- I --

4 I met with some other people, but I don't know

5 whether they are from his office. I went to conference.

6 I went to my booth. I sat down. I did my job.

7 Q. Who sent you the checks from Golden Spring

8 when you worked for these conferences?

9 A. You know, I actually did not look at the

10 signature.

11 Q. And when you had a job -- needed a job, it

12 was always Ms. Wang who would contact you?

13 A. At the beginning, for the conferences.

14 Q. So if it was a legal matter, Ms. Francis --

15 A. Uh-huh.

16 Q. -- the general counsel of Golden Spring,

17 would contact you --

18 A. Yes.

19 Q. -- to act on -- to act on behalf of Mr. Kwok?

20 A. To be the interpreter for the -- for the

21 deposition or for the court hearing.

22 Q. For -- for Mr. Kwok?

23 A. For Mr. Kwok, yes.

24 Q. And if it was nonlegal work, then Ms. Wang

25 was the one who would make the request on behalf

Page 144

1 [REDACTED] - Highly Confidential

2 ACKNOWLEDGMENT OF DEPONENT

3

4 I, [REDACTED] do hereby certify that

5 the foregoing testimony given by me on

6 November 11, 2022 is true and accurate,

7 including any corrections noted on the

8 corrections page, to the best of my knowledge

9 and belief.

10

11 _____

12 [REDACTED]

13

14

15 At _____ in said County

16 of _____, this _____ day

17 of _____, 2022, personally

18 appeared [REDACTED] and made an oath to the

19 truth of the foregoing corrections by her subscribed.

20

21 Before me, _____, Notary

22 Public. My commission expires _____.

23

24

25

Page 143

1 [REDACTED] - Highly Confidential

2 Mr. Kwok, correct?

3 A. At the time, yes.

4 MR. LUFT: Okay. I have no further

5 questions.

6 THE VIDEOGRAPHER: This concludes today's

7 deposition of [REDACTED]

8 The time is 12:53 p.m. We're off the

9 record.

10 (Thereupon, the deposition concluded at

11 12:53 p.m.)

12 (The exhibits were retained by the

13 shorthand reporter to be attached to the

14 transcript.)

15 *** *** ***

16

17

18

19

20

21

22

23

24

25

Page 145

1 [REDACTED] - Highly Confidential

2 C E R T I F I C A T E

3 I, CHERYLL KERR, CSR, a Certified Shorthand

4 Reporter and Notary Public, do hereby certify

5 that the witness whose deposition is hereinbefore

6 set forth was duly sworn by me, and that such

7 deposition is a true record of the testimony given

8 by such witness.

9 I further certify that I am not related to

10 any of the parties to this action by blood or

11 marriage; and that I am in no way interested in

12 the outcome of this matter.

13 IN WITNESS WHEREOF, I have hereunto set my

14 hand this 12th day of November, 2022.

15

16

17 *Cheryll Kerr*

18 _____

19 CHERYLL KERR, CSR

20

21

22

23

24

25

1 [REDACTED] - Highly Confidential

2 ERRATA SHEET FOR THE TRANSCRIPT OF:

3 Case Name: In Re: Ho Wan Kwok

4 Dep. Date: November 11, 2022

5 Deponent: [REDACTED]

6 Reason codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Pg.	Ln.	Now Reads	Should Read	Reason
11	---	-----	-----	-----
12	---	-----	-----	-----
13	---	-----	-----	-----
14	---	-----	-----	-----
15	---	-----	-----	-----
16	---	-----	-----	-----
17	---	-----	-----	-----
18	---	-----	-----	-----
19	---	-----	-----	-----
20	-----	-----	-----	-----

21 Signature of Deponent

22 SUBSCRIBED AND SWORN BEFORE ME

23 THIS ____ DAY OF _____, _____.

24 _____

25 [Notary Public] My Commission Expires: _____

Index: \$10,000..association

\$	139:14,18	49 126:17	9:40 24:14	aided 48:19 49:2,3
\$10,000 84:19	20 72:9 76:18,20	5	9:45 24:15,16	alleged 124:4
\$20,000 84:24	2016 77:20 84:21 85:10	5 126:18 132:20 134:19	A	ambiguous 19:21 20:4 22:25 49:8 50:3 72:20 78:24 97:21 106:20 134:13
\$50,000 85:2,4	2017 77:20 84:21	52 117:20	a.m. 6:9 24:12,14,15, 16 61:21,23,24,25 108:17,19	analysis 131:5
\$500 92:2	2022 6:8 104:8,12 129:11	54 109:16	Aaron 89:4	answering 33:14 45:11,25
1	21 104:8 116:20	59 110:4	abbreviated 45:21	answers 8:16
1 6:3 20:25 21:7 22:10 25:15 42:5 121:20,21 125:5 128:23,25 129:5 132:6	21st 36:5 55:4 112:21	6	absolutely 32:11	anti-chinese 141:13
10 76:21,23 114:22 115:22 126:15 135:12 137:9	22 116:20	6 104:11 114:23 129:11 130:11,19	account 82:13	anti-communist 79:14
100 23:3 70:6	228 6:12	60 105:25 106:6,8 118:2 120:8,21 122:22 123:2,7,9,15 124:2,23 125:11,17 131:20,22 135:19 136:9 137:5	accurate 55:13	anticipated 60:22
10017 6:13	3	600 92:10	accurately 119:22	anyone's 24:5
10:30 61:21,23	3 104:2,5,10,16 114:13 115:11 123:7 125:10 128:24 130:6 132:19 134:19 135:12 136:10 137:8 139:15,24	61 105:22,25 118:13 121:2 123:2,8,9,15 124:2,24 125:11 130:7,9 131:20,22 132:20 134:19 137:9	Ace 39:9 40:2,6 46:14 52:9,15 53:15 95:9 96:20 97:4,11, 15,19 98:8 129:13,17 130:2,20 132:9,22 133:22 135:22	API 63:12
10:57 61:24,25	30 76:18	62 106:6,8 117:19,20 118:17 122:22 125:11,17	act 142:19	apologize 9:25
11 6:8,18,21,24,25 8:11 21:3 22:7,8,12 25:15 26:7 117:8 121:22 125:6 129:3	31 107:15,16,18	6818 11:17	acted 76:7,22 77:15 78:18	apparent 35:23
11375 11:17	32 107:15,16,18	6th 36:6 55:4 105:18 114:14 134:19 140:5	acting 66:24 76:12 88:19 98:23 100:10 102:10	appeared 77:12 133:17 136:6
11:15 108:17,19	33 108:8,25	7	action 30:14 100:12	appears 117:13 121:8 131:8
12 108:8 126:3,10,15	341 22:15 23:9 25:19 26:10,17,18,24 27:19 28:7 35:6 36:6 40:12, 16 41:19 42:2,13,16 47:5 54:25 75:12,18, 23 76:2 94:22 95:3 96:21 97:4,7,17 99:3, 12 100:2 101:17 102:4,12 104:7,11 106:18 107:6,8 111:8 113:2 122:2,8,15,24 123:2 129:11 134:19 139:20 140:2	7 109:16 110:7 130:11	actions 124:14	approached 18:5
12:03 108:20,21	35 109:5	8	actual 40:16 41:19	approximately 6:9 47:8
12:39 137:13,15	39 117:5,6	8 126:4,15	add 33:5 127:21	April 36:6 55:4 104:11 105:18 114:14 129:11 134:19 140:5
12:48 137:16,17	4	810 6:13	additional 137:25	argue 15:9 56:10
12:53 143:8,11	45 109:2,6	9	address 11:16	argumentative 120:14 133:25
13 116:7	45th 6:12	9:23 6:9	addressing 44:10 46:7	Arlequin 6:10
15 7:10 117:6	47 6:7	9:39 24:12	advance 59:14	asks 63:15 68:22 70:17 71:4,13 72:10, 19 73:9,22 74:5 116:2
16 109:3,8 116:7,11 128:3 135:19 137:4			advice 13:6,13 16:3, 13 18:6 33:4	aspects 69:18
18 137:4			agree 116:5 128:14	assertion 66:19
2			Agreed 128:15	assessment 7:18
2 103:25 104:4,6,16 107:14 111:25 115:11,12 125:23 126:12,13 128:25			agreement 13:20	assist 134:15
			ahead 22:3 71:25 86:21 126:9	association 6:15

Index: assume..conducted

<p>assume 9:9 41:12 64:3 111:15,17 139:10 140:17,18,24 141:2</p> <p>assumed 41:8 141:16</p> <p>assumption 111:19</p> <p>attached 143:13</p> <p>attaching 45:17</p> <p>attachment 55:16</p> <p>attended 9:23 95:4</p> <p>attorney 8:10 66:16</p> <p>attorney-client 14:15 17:23 32:8 66:6,8,22 95:16</p> <p>audible 8:16,20</p> <p>audio 43:18,21,23 44:3,7,12,15 45:23 48:7,14,19,23,24 49:3,6,20 50:9,24 51:18,21,23 55:10,14 57:8 58:4,5,7 62:6 67:6,8 75:17,23 93:20 119:7,13,22 120:5 121:14 124:11 134:6,15,21 136:12, 17,18,23</p> <p>authority 117:9</p> <p>Avi 6:17 8:10 15:9 20:8 21:11 32:14 59:4 67:4 70:10 126:9</p> <p>aware 46:4 73:16 80:21 125:13</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>bachelor 93:6</p> <p>back 24:17 25:15 31:4 37:19 38:4 45:11,15 53:5 57:11, 24 58:2 60:2,12,15 62:2 63:16 65:4,16, 24 67:18 108:22 115:23 121:20,22 125:5 128:23 129:2 136:22 137:18</p>	<p>Baldiga 29:9,24 34:2,8,13,20 53:11 102:22 103:21 107:19,23 108:3,9,12 109:4,13,17,21 110:7,14 111:8 112:3 113:3 120:11,17,19, 23 121:2,10,14 124:18,23 125:15 127:8 128:2 136:5</p> <p>Baldiga's 38:4</p> <p>bankruptcy 83:11 95:25</p> <p>based 7:19 12:18 13:4 51:5,10,23 66:6, 8 87:14 112:24 117:25 119:13 124:2 134:5</p> <p>basis 60:7</p> <p>Bassett 6:20 56:6 59:11,13,18,21 60:4, 8,15 61:4 108:15 115:11</p> <p>beginning 38:12 80:16 142:13</p> <p>behalf 6:18,21,24 7:4 24:23 25:7 67:12 68:6 77:24 81:4,12, 14,17,22 83:9 87:23 92:13 100:10 117:9 142:19,25</p> <p>behest 121:4</p> <p>believed 103:16</p> <p>believes 107:20</p> <p>belongs 95:19 96:2</p> <p>Bill 109:17</p> <p>bit 30:11 34:10,25</p> <p>block 49:19</p> <p>book 99:8</p> <p>booth 142:6</p> <p>boss 81:4,14 89:14</p> <p>boss' 81:12</p> <p>bottom 107:18,19</p> <p>break 10:5,14 21:18 24:9 137:11</p>	<p>briefly 112:22</p> <p>bringing 60:6</p> <p>broader 28:4</p> <p>broken 87:4,9</p> <p>Brown 6:6 88:2 95:25</p> <p>business 85:18</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>call 14:21,22</p> <p>called 7:23 135:22 138:16 140:20</p> <p>calling 140:25</p> <p>calls 14:25 140:25</p> <p>capacity 77:25 78:19 79:4</p> <p>captured 46:8 53:8</p> <p>capturing 43:23 44:2</p> <p>care 79:5</p> <p>carries 107:18</p> <p>case 7:11 31:4 40:25 67:3 69:21 70:16 71:3,12 72:6,17 73:2 77:5 78:15,16 79:21 81:7,9 83:4 90:11,19 99:17</p> <p>cases 72:9 77:2 80:15 86:23</p> <p>casual 87:19</p> <p>catch 91:18</p> <p>catching 45:10 46:12</p> <p>caught 45:7 46:4 53:15</p> <p>caused 107:9</p> <p>certified 72:7,12</p> <p>chance 24:20</p> <p>chaos 47:21 118:6</p> <p>chaotic 34:10,25 35:13,20,21 36:4,14 37:2,25 43:23 44:10, 21 45:3 46:23 47:22</p>	<p>50:18 51:25 107:8</p> <p>Chapter 6:18,21,24, 25 8:11 21:3 22:8</p> <p>characterizes 79:6</p> <p>charge 64:8</p> <p>check 30:9 43:19 55:9,11 57:12 77:12, 22 78:10 79:21 82:11,13 83:13 87:21 88:20 91:2,4,13 98:23 101:22 102:6, 20</p> <p>checking 57:23</p> <p>checks 142:7</p> <p>Cheryll 6:14</p> <p>Chinese 37:19 41:16 45:24,25 52:21,23 58:14 67:6 93:22 102:17 103:9 132:25 133:23</p> <p>choice 68:9</p> <p>chooses 72:13</p> <p>chose 49:13 60:10</p> <p>Christine 114:7,16</p> <p>citing 110:2</p> <p>Civil 21:4 22:9</p> <p>Claiborne 35:23 37:10,14,21 38:7 45:7,10,16 46:4,12 52:16 53:14 116:2</p> <p>Claiborne's 35:25</p> <p>claim 14:19</p> <p>claiming 32:14</p> <p>clarify 25:22 44:4</p> <p>clarifying 53:3 76:17</p> <p>classic 67:3</p> <p>clear 30:15 35:6 36:23 48:22 50:4 51:2 102:8 107:5 109:24 119:19</p> <p>client 19:9 21:22 63:12,13,14</p> <p>client's 13:11</p>	<p>clients 85:15,16</p> <p>colleague 82:3</p> <p>colleagues 59:14</p> <p>college 92:25</p> <p>comment 29:10 30:5 46:12</p> <p>communicate 88:9</p> <p>communicated 88:10</p> <p>communication 43:11 62:24 68:2,17</p> <p>communications 67:25 70:2 88:25</p> <p>Communist 141:13</p> <p>company 37:18 38:22 135:22</p> <p>compensated 83:18 90:20,23,25</p> <p>compensation 90:10</p> <p>complete 129:9</p> <p>completely 32:22 58:24 98:19</p> <p>comply 21:4 22:9 60:13</p> <p>complying 59:24</p> <p>comport 111:7 112:25</p> <p>comprehensive 109:25</p> <p>concede 7:15</p> <p>concern 109:14,21</p> <p>concerned 100:3</p> <p>concerns 128:6</p> <p>concluded 100:13 143:10</p> <p>concludes 143:6</p> <p>conclusion 68:23 70:18 71:5,14 72:19 73:10,23 74:6</p> <p>conducted 110:17</p>
--	---	--	--	---

Index: conference..directions

conference 78:4,5, 6,21 79:18,19 80:16 82:2 88:12,16,18 89:10 108:13 141:11, 13,18,20 142:5 conferences 79:8, 10,14,16 84:16 88:15 141:21 142:8,13 confidential 6:1 7:1, 14,16 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1 136:1 137:1 138:1 139:1 140:1 141:1 142:1 143:1 confused 44:25 confusing 34:10 Connecticut 23:23 connection 20:21 54:16 70:3 78:11,16 84:2 85:18 87:23	93:8,19 95:24 103:17 113:6 considered 100:21 consult 93:12,15 consulted 42:10 93:13 contact 15:3,5,6,17 16:21,23 27:14 142:12,17 contacted 16:25 17:4,16 contempt 19:25 20:21 21:4 22:9 23:7 73:20 90:17 content 47:23 context 75:6 96:25 100:17 101:4,9,11, 14,16 continued 52:17 104:11 140:2 continuous 99:18 contract 81:19 contracted 82:19 convenient 10:6 conversant 87:12 conversation 45:12 53:7 97:13 conversationally 87:19 conversations 13:5 46:3 66:3 cooperating 56:7 copies 59:15 93:24 94:6 99:22 103:24 copy 21:2 43:3,4,6 55:14 57:15 58:15, 16,17 104:10 Corporate 21:5 22:9 correct 60:16 67:22, 23 73:19,21 75:6,8 89:24 101:20,23 102:15,23 103:3,6, 14,22 112:12 114:20 115:20 116:5,15,18,	25 117:3,12,17,24 118:4,5,8,15,19 119:14,24 120:6,7 121:16 122:9,10,15, 20 123:4,15,19 124:25 128:12,18,19 129:23 130:3,16 133:15 136:5 140:7,8 143:2 correctly 127:3 129:25 130:3,24 131:15,17,24 136:10 correspond 49:3 counsel 6:15 8:3 11:18 24:20 25:17 26:15,19,23 27:18 28:24 29:10 31:20, 21,23 33:5 34:15 40:22 43:9 63:23 66:25 74:23 86:13 87:3,9 94:25 96:14 99:21,25 100:7 112:6 130:12 132:11 137:22 142:16 counsel's 15:23 16:2,18 17:12 18:10 33:4 63:22 83:14 97:2 counsels 95:5 couple 65:19 138:7 court 6:14 7:6 8:16 10:21 20:19 23:23 30:9 41:5 46:2 70:21 72:6,7,9,10,12,13,21 73:4,12,14 75:5 76:7, 13,23 77:23 78:11, 15,16 79:21 80:15 83:13 86:23 89:5 90:18,19 96:17 102:7,9 113:16,19 116:14 117:15 132:13 142:21 court's 59:24,25 60:13,17 courtroom 97:16 courts 77:3 cover 54:16,20 114:6,15 covered 67:2,4	created 93:25 119:24 120:3 creating 62:14 creditors 104:7,11 139:20 140:3 critical 31:14 CROSS- EXAMINATION 138:11 cross-reference 134:21 crosstalk 18:2 49:24 61:14 current 26:23 <hr/> D <hr/> D.C. 78:7 Daniel 89:8 date 14:3 27:4 36:7 37:4 47:5 88:22 92:13 136:20 dated 56:23 Dawn 39:10 40:3,7 46:15 52:9,15 53:16 day 34:10,24 49:10 55:6 64:8,15,16,23 91:22,25 92:4 99:14 107:12 116:14 136:21 day's 110:23 days 62:21 65:19,20 75:12 78:2 84:15 136:21 deadline 60:17 debtor 21:4 22:8,13 26:8,15,19 121:24 129:11,15 130:2 132:11 debtor's 21:2 22:7 26:6,22 42:6 121:21 130:12 132:6,8 Decade 39:9 40:3,7 46:15 52:9,15 53:15 95:9 96:20 97:4,11, 15,19 98:8 129:13,17	130:2,20 132:23 133:22 135:22 Decade?' 132:10 decide 9:12 34:16 decision 13:10,11 30:18 31:6 113:7,16 decisions 113:21 deemed 69:19 defamation 78:15 79:21 81:7 83:4 deficiencies 22:15 23:8 25:18 26:3,9,16, 20,24 27:20 28:15 122:2 deficiency 27:25 28:6 34:7 122:23 123:4,15 124:4 125:12 degree 93:6 departing 97:16 depends 91:21 deposed 8:11 23:11 90:19 deposition 6:4,6 7:4, 12,18 8:24 15:13 31:19 32:25 38:12 41:23 57:5 71:23 110:16 136:24 142:21 143:7,10 depositions 9:23 102:7 derived 46:25 deriving 47:22 describe 45:18 47:16 93:18 describing 37:13 designated 7:13,17 designating 7:12 Despins 6:25 95:19 96:2 direct 8:5 107:17 direction 66:25 directions 90:2
--	--	--	---	--

dis- 107:9 discard 99:10 discarded 99:6,11, 19 disclose 71:22 discovery 60:19 discrete 30:11 discussed 95:7 97:4 discussion 12:8 16:9 21:9 39:12 54:9 79:25 95:8,20 96:6,9 97:10 131:10 dispute 27:21 28:23, 25 33:19 35:17 39:23 40:6 45:15,17 52:6 113:14,23 114:5 disputes 30:11 35:16 40:12,14,16, 19,20,21 41:18 50:19 52:4 124:16 disregarding 41:2 disrupt 30:10 dissatisfaction 107:9 divide 85:6 division 85:6 document 21:6 42:6, 11 62:9,12,15,18,25 68:2 112:7,13 114:7 119:16,23 120:2 documents 41:22 56:7 94:15 104:3,19, 23 105:5,6 138:2 dollars 64:16 91:19 drafts 62:8,11 94:18 duly 7:23 <hr/> E <hr/> e-mailed 43:7,8 earlier 126:5 early 78:2 84:15 earned 84:7,19	East 6:12 Edwin 6:10 electronic 56:20 email 16:23 43:15 54:18,19 55:14,17 56:20 57:7,11,15,16, 18,21 65:13 emails 137:21 employee 79:4 138:15,24 139:8 140:19 end 67:19 engaged 141:15 England 93:4,7 English 37:16,19,20 38:21,23 41:16 46:2 53:5 58:12 86:5,12, 16,17,22,24 87:4,10, 12 93:21,23 102:13 103:12,18 enter 108:13 117:9 entered 7:11 entire 42:18 entitled 69:13,22,24 71:6,8 entity 82:15 83:9 87:22 Entry 21:3 22:8 Eric 7:3 11:22 16:4 55:19 56:6 59:11 60:8 66:10 68:5 71:16 115:9 error 35:22 37:8 52:16 53:15 103:17, 22 estimate 47:13 80:4 84:11 etiquette 41:3 53:22 event 81:5,6 82:21 88:17 140:21 events 85:7,8 exact 27:3 30:14 59:14	EXAMINATION 8:5 140:14 examined 7:24 examples 101:2 110:2 exception 78:21 122:11 exchange 52:3,24 60:18 exchanged 51:9 exclusively 69:11 excuse 113:3 exhibit 20:25 21:7,25 22:10 25:15 42:5 58:20 60:18 68:6 103:25 104:2,4,5,6, 10,16 107:14 111:25 114:13 115:11,12 121:20,21 123:7 125:5,10,23 126:12, 13 128:23,24,25 129:5 130:6 132:6 136:10 139:14,18,24 exhibits 7:13 59:2,15 60:21 143:12 expect 83:21,24 91:3 expecting 90:23,25 experienced 72:12 expert 60:7 68:21 69:4,7,15,20 70:15, 24 71:2,7,11,21,22 72:5,16 73:7,17 74:3, 10,16,24 75:5 133:5 134:2,10,18 136:8 experts 93:14 Explain 58:10 express 109:13 extent 116:17 119:11,21 120:2 <hr/> F <hr/> fact 9:18 41:15 45:14 53:11 54:18 68:20 69:3,7,10,11 100:11 119:13 139:7	Failure 21:4 22:9 falling 91:24 familiarity 9:25 family 19:12 90:5 fault 23:19,25 federal 56:2 69:14 feel 31:13 fellow 81:25 82:3 field 93:15 Fifty 85:6 file 57:8,24 58:5,7 67:17 134:6,15,21 136:13,17,18,23 filed 58:19 final 60:17 financial 117:9 find 33:24 111:2 112:2 114:3 finding 119:13 fine 8:9 9:15 10:3 15:15 19:22 33:14,16 61:19 finish 21:19 finished 99:8 Fiori 114:8,16 firm 17:2,4,15,17,18 18:13 27:13 57:8 63:22,24,25 67:21 74:9 83:14 87:22 flares 8:23 flipped 112:22 Floor 6:7 follow 15:23 16:2,6, 18 17:12 18:10 33:3 Forest 11:17 form 60:20 120:13 formal 55:25 forming 93:12 forward 69:7,9,15 71:12,21	foundation 21:17 89:17 139:2 Francis 43:9,11,13, 15,17,21 47:24 48:14 49:13 50:7 54:12 55:3,7,8,15 57:8,10, 22,25 62:5,17,20,25 63:3,4,11,13,17 64:4 65:4,10,24 66:4,13, 16 67:25 74:16 75:11 76:3 80:16,19,22 84:3 85:21,24,25 88:21 94:16 106:10 107:2 119:5,17,24 120:3 121:10 122:7, 12,21 123:24 129:23 136:19 137:22 142:14 Francis' 47:18 54:5 Friday 60:25 61:2 front 21:25 42:5 104:17 114:6,15 full 22:11 99:9 <hr/> G <hr/> gauge 47:3 general 107:11 142:16 give 11:7 16:3,5,13 19:24 23:22,23 24:4, 9 48:3 50:10 55:24 60:24 63:16 76:25 84:6 90:2,11,18 101:2,4 103:8 105:11 112:18 giving 18:6 20:18 Golden 81:18,19,21 82:5,14,16,20,21,25 83:6,7,10 87:22,25 107:21 117:10 126:19,21,25 141:4,6 142:7,16 good 6:2 8:8,9 21:16 25:9,12 84:17 Governance 21:5 22:10 Great 10:18 11:5 126:17
--	--	---	---	---

Index: grounds..interpreter/translator

grounds 32:7	102:9,12 107:6	highly 6:1 7:1,14,16	hourly 91:23	instructed 18:7
guess 61:8 102:2	110:9,17 111:8 113:3	8:1 9:1 10:1 11:1	hours 91:24	instructing 12:22, 23,24 17:24 32:15
guys 56:5 59:25	114:14 121:24 122:9,	12:1 13:1 14:1 15:1		instruction 15:23
60:10 61:13	15 123:3 124:3	16:1 17:1 18:1 19:1	I	16:2,5,18 17:13
H	142:21	20:1 21:1 22:1 23:1		18:11
half 61:12 91:25 92:4	hearing's 23:20	24:1 25:1 26:1 27:1	idea 12:7,12 19:3	instructs 9:17
hand 33:25 61:7	hearings 40:12,17	28:1 29:1 30:1 31:1	32:12 63:10 80:20	intend 59:3 73:8
103:24 114:2	41:19 42:3 102:4	32:1 33:1 34:1 35:1	85:22 87:13	intended 59:15
handed 34:15,18,19	106:18	36:1 37:1 38:1 39:1	identification 21:8	intention 19:24 20:6, 11,12
40:22 114:3 120:9,18	held 6:6 12:9 16:10	40:1 41:1 42:1 43:1	104:5	interest 126:24
handing 28:24 30:12	21:9 39:13 54:10	44:1 45:1 46:1 47:1	identify 75:4	135:21
56:19 111:17 113:12	80:2 95:21 131:11	48:1 49:1 50:1 51:1	identities 59:18	interested 105:9
120:11,17	helpful 31:17 130:7	52:1 53:1 54:1 55:1	immediately 55:20	internal 62:11
Hang 23:16,18	Henzy 7:3,8 9:12,17	56:1 57:1 58:1 59:1	97:7	interpose 9:13
happen 30:2 53:9	10:25 11:4,22,25	60:1 61:1 62:1 63:1	impact 69:17	interpret 37:17 53:12
78:6,7,8 137:10	12:14,16,24 13:3,11,	64:1 65:1 66:1 67:1	imply 109:24	86:3,13,22 88:12,16,
happened 31:7 35:2	15,18,22,24 14:9,12,	68:1 69:1 70:1 71:1	importantly 71:20	17 89:19 98:19
48:16 51:8,11 52:20	14,18,21,22,24 15:3,	72:1 73:1 74:1 75:1	improper 15:13	interpretation 35:24
53:9 99:5 111:12,22	5,6,7,9,15,17,18,25	76:1 77:1 78:1 79:1	58:25	36:3 45:8 72:11
happening 28:21	16:7,12,15,21 17:5,8,	80:1 81:1 82:1 83:1	include 42:11 45:20	132:8
45:12,22 51:25 52:3	23 18:7,20 19:5,19,	84:1 85:1 86:1 87:1	included 45:18	interpreted 37:16,19
53:18	21 20:3,6 21:11,15,	88:1 89:1 90:1 91:1	119:8,9,23	41:8 45:25 46:6 53:5
hard 10:21 35:3 47:2	21 22:3,22,24 24:10	92:1 93:1 94:1 95:1	including 28:8	101:13
49:22 76:24 84:13	25:11 32:2,5,8,11,18,	96:1 97:1 98:1 99:1	124:19	interpreter 22:14,19
Hastings 6:17,21,23	23 33:8,11,16 44:18,	100:1 101:1 102:1	incorrectly 46:15	24:3 26:8,11 27:23
head 8:15 51:3 141:6	24 49:7,15,22,25	103:1 104:1 105:1	independent 48:3	29:15 35:22 37:15
headquartered 6:12	55:21,24 56:10,13,	106:1 107:1 108:1	54:6	39:2,4 40:25 41:2,5
hear 43:13 102:17	19,25 57:19 58:18	109:1 110:1 111:1	indicating 113:25	45:6,23 52:21,25
120:6 121:14 124:3,	59:4,8,17,20,23 60:5,	112:1 113:1 114:1	131:4 133:16 134:4	64:15 66:24 67:7
13,22	9 61:8,19 64:12 66:5,	115:1 116:1 117:1	indistinguishable	72:9,12 76:7,12,22
heard 27:24 28:6,16	13,21 68:3,10,13,22	118:1 119:1 120:1	18:2 49:24 61:14	77:13,16,23 78:4,10,
49:20 51:3,4 86:24	69:6,9,18 70:4,7,10,	121:1 122:1 123:1	informal 12:8 16:9	14 81:13,25 82:3
96:23 97:4 119:7,21	71 71:4,9,13,17,24	124:1 125:1 126:1	21:9 39:12 54:9	83:14 85:17 88:20
126:5 135:5,6	72:18,24 73:9,22	127:1 128:1 129:1	79:25 95:20 131:10	90:5 91:2,5,13 98:23
hearing 19:25 20:17	74:3,5,12,20 75:7	130:1 131:1 132:1	information 42:10	101:22 102:10,20
22:13 23:7,13 24:23	78:23 79:3,7 86:18	133:1 134:1 135:1	initially 14:13,22	107:20,23 110:9,12
26:7 27:19 29:7 36:5,	87:15 89:16 92:8	136:1 137:1 138:1	17:16	111:5 112:9 113:22
6,8,9 42:14,17 47:5	95:10,15 96:3 97:21	139:1 140:1 141:1	instance 34:6 108:2,	115:5,15,19,24 116:9
50:13 56:9 60:6,22	104:13 105:7,14	142:1 143:1	11 109:20 125:14	117:24 121:25 126:6
73:8,14,18 74:4,10,	106:19 108:16 115:8,	Hills 11:17	instances 109:13	132:7 133:24 134:12
19 75:6,18,23 76:2	12 118:24 120:13	hired 80:5,6,7 81:3,5,	instruct 15:10,19	141:15 142:20
77:12 83:13 91:5,13	126:9,13 127:17,23	11	17:10 32:5 66:7 68:4	interpreter's 39:17
94:22 95:2 96:20,21	133:7,25 134:13	Ho 6:5,18 66:14	95:17	45:9 53:21 111:16
97:5,8,17 99:3,12	135:4,6 138:6,12	104:8,12		interpreter/
100:2,12,13 101:17	139:3,11,13,17	hold 31:11 33:20		translator 72:8
	140:10	66:23 108:9 110:8		
	Henzy's 12:4,6 17:2,	Holding 21:3 22:8		
	4,15,17,18 18:13	Holdings 135:22		
	19:4,9,13 27:13	home 94:3,4		
	67:21 74:9	hoping 29:13		
	highest 92:22	hour 61:12		

interpreters 79:15 101:24 102:6 interpreting 27:22, 23 35:22 37:21 38:4 39:4,18 41:2 50:20 53:20 79:15,18,22 85:21 87:8 107:10 140:21 interrupt 30:10 interrupting 116:3 interruptions 30:6 introduce 6:16 68:5 invoice 83:24 84:5 92:14 involved 19:17 83:5 94:23 101:16 involves 13:12 issue 19:18,20 35:25 40:2,25 52:8 53:23 54:13 95:19 100:3,7 108:4 109:4,19,22 110:8 111:16 113:12 117:11,22 118:3,4 issues 40:24 50:19 118:14 <hr/> <p style="text-align: center;">J</p> <hr/> Jim 60:12,15 job 63:15,16 67:5,10, 16 88:7,11,13 89:14 138:16 141:2,10 142:6,11 judge 14:19 61:15 judge's 59:10 Juno 11:17 <hr/> <p style="text-align: center;">K</p> <hr/> kerfuffle 51:25 Kerr 6:14 kind 45:21 49:19,22 52:24 53:7 79:15 87:11 101:3 Kingdom 96:10,12, 17	knew 60:21 108:3 knowledge 137:2 138:23 Krasner 89:2,3 Kwok 6:5,19 19:10 24:24 25:7,17 26:2 29:10 37:19 45:24 66:14,21,25 74:23 77:9,13,16,23,24 78:10,14,19 79:11,12 80:5,6,22 81:4,9,14, 15,17,23 82:5,15,24 83:5,9 84:8,20 85:13, 17,20,23 86:11,24 87:23 88:5,7,10,20 89:6,14,22 90:2 92:12 94:25 95:4 100:6,10 103:8 104:8,12 126:19,24 135:21 137:23 138:15,24 139:8 140:19,23 141:9 142:19,22,23 143:2 Kwok's 19:12 27:18 80:9,11,14,18 81:11, 25 88:12,13 90:5 91:4 95:18,23 99:3, 21,25 103:12,17 141:6,12,14,19,22 142:2 <hr/> <p style="text-align: center;">L</p> <hr/> labeled 6:3 lack 89:16 late 89:6 lawsuit 96:9,12,16 lawyer 17:18 68:16 lay 21:17 101:4 lead 140:22 leading 139:9 140:9 leaving 97:17 legal 6:11 13:6,12 68:22 70:17 71:4,13 72:19 73:9,22 74:5 87:6,7 129:16,17 132:9,22 133:22 134:9 142:14	legally 132:10 lengthy 116:12 light 56:9 limit 8:23 Limited 135:22 lines 43:25 46:24,25 47:11,22 130:11 131:24,25 132:19 134:19 135:12,13 137:8,10 list 60:18 listen 43:18 55:10 57:12 67:16 75:22 listened 48:15,23,24 50:17,24 51:5,7 75:17 93:20 112:16 120:5 121:13 136:16, 20 listening 48:6 50:15 58:6 119:13 124:11 litigation 96:7 LLP 6:7 long 31:25 32:3,9 46:20,22,23 47:3 64:21 65:4,16 98:15 138:17 looked 40:5 112:12 122:8 123:21 125:16 129:23 lot 46:8 85:16 107:8 loud 28:23 31:16 33:22 34:5 40:21 53:24 Luc 6:25 Luft 6:17 7:15 8:6,10 11:5,6,24 12:13,21 13:2,6,8,14,16,19,23 14:7,20 15:2,8,12,16, 21 16:4,13,16 17:3,7, 11,21 18:3,9 19:2,8, 16,22,23 20:10,25 21:13,16,24 22:5 23:5 24:8,11,18 25:13,23 27:5,10,17 28:13,14 29:2 30:7 32:3,7,9,17,20,24 33:2,10,14 34:3 35:5	36:19 39:6,20 43:2 44:20 45:2 47:4 48:20 49:11,21,23 50:5 54:2,11,23 55:18,23 56:18 57:2, 6,17,20 58:21,22,24 59:6,12 61:2,5,15,20 62:3 63:7,20 64:17 65:2,9,21 66:8,15,18 67:9,20 68:5,12,18 69:2,6,13,21 70:6,9, 12,19 71:6,10,16,20 72:4,23 73:15 74:2,8, 15,22 75:3,9,21 76:6, 11 77:7,14 79:2,5,9 80:3 82:23 84:18 86:10,20 87:20 88:3 89:12,13,20 90:8 92:11,20,23,24 94:5, 13 95:12,18,23 96:5, 19 98:2,12 99:20 101:6 103:7 104:6,14 105:9,19 106:5,23 108:7,23 109:11 110:6 111:13 112:11 114:12 115:2,9,14 118:12 119:3 120:16 121:19 123:12 125:4, 7,9,22 126:2,11,14 127:20 128:4,22 129:7 130:5,14 131:13 132:5,18 133:9 134:7,16,24 135:5,7,10,18 136:15 137:11,19 138:9,14 139:2,9 140:9,12,15 143:4 <hr/> <p style="text-align: center;">M</p> <hr/> made 7:19 9:18 29:5 30:5,17 31:6 35:22 36:3 41:12 46:18 58:7 62:8 68:8 72:2 97:18 103:16 113:6, 16,21 116:24 119:14 122:14,18 123:3 125:14,19 mailed 82:10 main 47:21 major 47:20 52:18 majority 31:8,9	make 7:8 20:8 28:4 29:10 32:20 34:13, 14,17,21 49:16,25 62:14 85:5 98:15 102:22 103:2,20 120:6,23 121:2,6,14, 17 124:4,16 142:25 makes 51:21 141:7 making 29:17,21 30:20 46:12 62:18 111:8 112:3 113:7 116:21,23 120:4 121:11 123:13,18,22, 25 124:18 Manning 61:15 March 36:5 55:4 104:7 112:20 mark 20:25 103:25 104:9 marked 21:6 22:10 104:3,16 material 7:13,16 22:14 23:8 25:18 26:3,9,16,20,23 27:20,24 28:6,15,19, 20 31:16 33:21 34:2, 7 40:24 41:25 97:18 121:25 122:23 123:3, 14 124:4 125:12,18 133:11 matter 6:5 12:2 68:21 69:8 93:9,16,19 142:14 matters 87:6,8,19 95:6 Max 88:25 89:3 meaning 83:3,4 means 15:4 20:11 123:23 meant 76:15 Mechanically 67:15 media 6:3 meet 31:21,22 94:25 141:18,22,23 meeting 22:16 23:9 25:19 26:10,17,18,25 28:8,22 36:11 47:2
--	--	--	--	---

Index: meetings..pause

49:19 95:13 97:2 99:15 104:7,11 105:18 107:8 122:3, 24 129:11 139:20 140:2 meetings 35:7 85:18 95:4,6 Melissa 43:9 66:13 member 19:12 members 90:4 memory 23:19,25 48:18,22 49:2,18 51:2 96:14 memory's 106:17 mention 8:15 mentioned 36:20,21 38:11 62:4 78:22 91:17 96:17 112:23 mentions 112:9 Menye 126:5 met 32:3,9 78:8 86:13 141:24 142:4 methodology 93:18 middle 22:2 109:3 115:3,9 120:12 Miles 19:9 mind 25:21 33:5 39:24 mine 131:8 minor 52:18 minute 113:13 mis- 44:15 mischaracterize 16:14 misinterpretation 45:9 missed 112:14 misstatements 97:18 mistake 45:10 46:5 116:24 125:18 mistakes 52:18 98:7 122:14,18	mistranslated 34:20 117:17 127:11 mistranslating 44:15 mistranslation 97:14 108:9 mistranslations 100:4,8,11 Mitchell 89:4 moment 35:9,10,13, 15,20,21 36:4,12,14 37:2,13 38:2 43:23, 24 44:10,21 45:3,5, 17 46:23 47:23 48:4, 16 49:10 50:18 51:4, 13 52:12,14,16,17 96:15 111:23 moments 35:11,18 52:2 107:8 money 82:9 84:7 92:9,12,17 month 42:23 65:11 77:5,6 morning 6:2 8:8,9 motion 20:21 21:2 22:7,13 23:7 26:7 73:20 90:17 121:24 motions 124:14 Move 95:15 moving 13:21 muddled 96:15 multiple 115:4 124:20 <hr/> N <hr/> names 38:25 39:7 40:2,6 46:5,14 126:4 naturally 101:14 needed 53:4 142:11 negative 25:5 Nick 6:20 59:25 nonlegal 142:24 noon 58:20 61:4	note 28:24 29:9 33:25 34:15,18,20 54:16,20 56:19 102:22 103:2,21 108:3,12 109:13,21 110:14 111:17 120:9, 11,17 notepad 99:17 notes 29:22 30:12,22 31:7,8 33:18 40:22 62:14 98:20,24 99:2, 5,11,22 100:3 113:4, 13 114:2,4 120:18 noticed 35:23 November 6:8 Nowadays 84:17 number 28:21 35:2, 25 38:3,7 40:14,18 45:11 53:18 77:3 84:16 85:9 NY 11:17 <hr/> O <hr/> oath 11:11 102:11 object 12:17 44:18 66:5 78:23 86:18 objected 18:7 objection 9:13,14,19 12:18 14:14,15 15:7, 14,19 17:5,6,9,23 19:5,19 20:3 21:2 22:7,22,24 32:2 34:13,15,17,18,21 42:6 49:7 50:2 68:3, 22 70:17 71:4,13 72:2,18 73:9,22 74:5, 12,20 75:7 87:15 89:16 95:10,15,16 97:21 106:19 116:8, 12 118:14,18 119:12, 14 120:4,6,13,23 121:3,6,11,15,21 123:3,14,19,22 124:4,15,16,18,22 125:14 127:5,8 128:10 133:7,25 134:13 136:2,5 139:2,9	objections 20:8 32:21 111:9 112:3 116:17,21,23 124:2 obligated 56:8 observations 87:14 obstructing 32:24 offer 17:22 23:6 71:3 72:6,16 73:8,17 74:3, 10,16,24 75:5 133:21 134:2,18 136:8 offered 18:5 offering 23:12 70:15 71:15 133:4 134:10 office 80:8,9,12 140:24 141:2,4,16, 19,22 142:2,5 official 22:15 23:8 26:9,16,24 27:22,25 28:10 35:21 113:22 115:24 122:2,24 129:10,15 133:24 134:12 once-over 112:19 opinion 44:16 71:14 131:25 133:5,21 134:3,11,18 135:13 136:8 opinions 69:25 70:3 71:2,11,22 72:5 73:7, 17 74:4,10,17,24 75:5 93:15 94:8 opportunity 105:12 opposed 112:3 113:6 oral 113:12 114:5 124:15,16 order 7:11 21:3,5 22:8,10 59:24,25 60:13,17 owed 92:12,17 owned 126:24 owner 129:16,18 132:9,22 133:22 134:9 owner.' 132:10	owners 126:19,21 129:13 130:2,20 <hr/> P <hr/> p.m. 108:20,21 137:13,15,16,17 143:8,11 pad 99:9 pages 47:14,17 106:7 107:2 116:20 122:21 123:2,7 124:2,23 125:11,17 131:22 paid 63:21,25 64:18 67:18 81:16 82:4,16, 21 83:7,8,14,15 91:3, 19 paragraph 7:10 22:20 130:17 part 44:12 47:19 55:5,6 93:21 112:8 118:6 129:22 parts 50:6 58:13 party 67:3 79:14 81:9 141:14 pass 103:2,21 passed 29:9 108:3 109:13,21 110:14 passing 29:21 30:22 108:11 113:3 past 27:11 76:18,23 79:13 Paul 6:17,20,23 pause 11:23 13:25 14:4 16:24 17:20 18:24 19:15 22:4,21 25:20 27:2,7,16 28:17 30:3 34:22 36:15 38:24 42:22 46:21 48:17 52:13 54:22 56:12,17 63:6, 18 64:24 65:6,18 67:13 73:24 74:14 75:2,20 76:5,10 77:4, 10 82:18 84:12 86:7 87:17,24 90:7 92:19 96:13 97:20 98:11,16
---	--	--	--	--

Index: pay..record

99:13 100:24 103:4 105:15,21,24 106:2 108:5 109:9 110:5 111:10 112:5 114:24 118:9,21 119:2 121:18 123:10 125:3, 8,21,24 127:15,19 128:21 129:6 130:4, 13 132:4,17 134:23 135:9,17 136:11,14 139:12,16	17,24 31:6 34:25 35:11 41:4,17 45:14, 16 53:10,14,23 105:7	proceeding 95:25		rate 64:16 91:23,25 92:4,5
pay 18:13,19,23 63:17 64:6 81:22 82:5,25 83:25 84:3	portion 44:10,14 46:11,20 50:11,16,21 54:4,13,25 55:9 57:23 62:21 65:11 75:10 76:3 98:16,17 104:24 105:5,8,17,20 113:2 122:7 127:11 128:17 129:23 136:18	proceedings 77:23 78:11	Q	re-listening 124:3
paying 12:4,6 18:16 19:3,10,13 83:20,22	portions 75:12,14,23 76:2 104:22 106:10, 13	produce 56:8,20 57:4 67:17	question 9:2,5,9,18, 19 10:13 12:19 15:8 20:14,16 21:12,19, 21,23 22:2 26:14 33:13 36:18 37:18 39:3,16 46:18 49:15, 17 53:2,3 65:7 68:11, 15 70:4,22 71:9,19, 25 72:3 73:13 91:9 96:3 97:14 98:14,15, 16 100:18,23 102:12, 21 103:2 112:10 117:8,12,15,23 118:24 119:15 120:14 127:18,24 129:12,14,16,25 132:9,15,24 133:10, 22 135:21 136:3,9 137:4	reach 14:12
pending 10:13 21:22,23	position 34:14	produced 55:20 57:5 119:17	question's 98:18	reached 93:14
people 56:14 80:21 86:11,15 108:13 142:4	potentially 85:4	producing 59:2	questioner 98:20	read 42:6,13,16,18, 19 43:5 47:24 48:12 50:17,21 51:3,4,6,7, 19 127:3 128:17
percent 23:4 70:6	practice 61:16	product 58:2,3 62:5 65:5,17,25 67:18 93:23,24 94:20	questioning 45:11 46:25 69:17 106:18	reading 48:7 50:15
perfectly 128:18	preparation 94:23 95:2 136:24	production 55:21,25 56:3 59:9	questions 9:13 38:5 52:22 70:25 72:10, 14,22,25 97:15 101:12,13,15 137:25 138:3,8,14 143:5	real 137:11
performing 93:12	prepare 31:18 41:23 73:2	professional 53:22 102:11 134:3	quick 21:19 112:18 137:12	realtime 135:8
Periodically 9:12	prepared 71:2 72:6, 16 114:7,16 123:24	proper 32:22 132:7 135:13	quickly 10:8	reason 9:4 10:4 11:7 116:23 124:19 127:10 128:16
periods 29:20	pretty 91:14	properly 7:17 132:25 133:3,6,13,23 134:4, 12	quoting 130:12	recall 24:5 34:12,19 36:21 37:4,12,23,25 38:13,16 39:23 40:10 47:23 49:4,5 52:11, 19 54:3 77:15,19 95:5,8 96:6,18,25 97:6 98:5,10 99:18 102:5 106:17 110:21 120:17,18 121:16 122:19 131:9,14,16 132:24
person 46:14 114:20	previous 33:6 101:13	protective 7:11		receive 90:11
personally 90:3	previously 124:20	provide 59:22 133:14		received 43:10 87:21
phone 16:21	primarily 69:10	provided 94:15 133:17 137:25		receiving 65:13
physical 128:6	prior 27:15 42:8 43:25 46:24 50:6 54:13 94:22 96:20 97:4 129:14	providing 56:7		recent 76:21
pick 37:10,15,21	private 29:15 111:5 112:9 113:22 115:4, 15,19 117:24	public 92:10	R	recently 88:2
picked 52:16	privilege 12:18 13:2 14:16 15:7 17:9,24 32:2,8,14,21 66:6,9, 19,21,22 67:2,4 68:3 69:22 95:16,18,23	pull 121:20	raise 31:16 34:5 45:14 53:10 113:12, 13 114:5 116:8 117:11	recess 24:14 61:23 108:19 137:15
picking 38:7	privileged 32:4,10 68:16	purported 123:14	raised 35:16,17 39:16 40:20 45:17 50:19 53:23 113:23 117:23 124:15	recollection 14:8 27:6 35:6,19 36:23 40:16 41:19 42:2,21 47:16 48:4,16 50:11 51:5,13 54:7 76:25 97:3 98:4 102:3,8 107:5,7,11,13 111:7, 11,21 112:25 122:13, 14,22 131:19 133:12
place 27:21 141:20	problem 46:7 53:21 102:21,25 117:14	purportedly 123:16 130:25 131:2	raising 27:21 35:25 111:16 118:14	record 7:9 11:14 12:9 16:10 21:10,14, 15 24:11,13,17 34:21 39:13 50:17 51:10 54:10 56:18 58:4
plan 75:5 134:18 136:8	proceed 8:3 9:19	purpose 30:9 59:14 62:17	ranging 77:20	
planning 23:6 73:17 133:21		Pursuant 7:10		
plans 24:2		pursue 32:18,19		
play 136:23		put 21:24 22:13 26:8 41:8 53:16,17 57:17 59:3 68:6 69:6,9,14 71:7,11 121:24 128:25		
pleading 26:7		putting 71:21		
Podolski 89:8		puzzling 113:11		
point 28:22 30:4,13,				

Index: recorded..Spring

61:6,18,22 62:2 80:2 95:21 103:21 108:15, 18,22 112:3 113:20 116:18,21 117:23 118:11,16,18,20 119:8 123:13,20 124:15 125:14 131:11 137:14,18 143:9	relationship 18:4 66:11 89:11 relevant 64:12 relied 69:25 relief 60:3 rely 70:8 133:12 remember 23:24 24:7 27:8 30:14,24 34:23 35:4,8,9,13,15, 16,17 36:7,10,11,13, 14,25 37:14,22 38:8, 21 39:5,15,18 40:19, 23 41:6,7,15 42:20 43:25 47:7 50:20 51:24 52:3 53:24 77:11,17 85:8 86:2,8 96:16 110:22 122:17 remembered 50:18 remind 51:11 reminded 51:7 remotely 110:17 renew 137:20 repeat 8:19 119:15 repeating 51:18 reportedly 129:15 reporter 6:14 7:7 8:2,16 10:21 11:3 12:10 16:11 21:7 39:14 46:2 95:22 104:4 113:19 114:10 116:14 117:15 131:12 143:13 reporting 6:11,15 113:17 represent 12:14 17:22 18:6 representation 14:13 representative 137:23 represented 11:18 13:4,12 14:16 representing 27:14 63:4,8 67:22 129:17 132:10 134:9	represents 11:25 request 47:18 54:5 55:22,25 56:8 57:3 60:19 65:15 89:19 94:6 137:21 142:25 requested 82:20 83:6,23 requesting 57:21 60:20 requests 56:3 reserve 137:24 respect 73:20 respond 57:10 response 60:23 107:20 129:12 132:8 responsible 18:16, 18 rest 75:18 results 57:22 resumed 24:15 61:24 108:20 137:16 retained 67:10 143:12 reversed 120:10 review 11:2 41:22 75:14 reviewed 41:25 47:17 54:5,24 55:5 75:11 rid 99:7 Rights 21:5 22:10 role 107:21 room 28:3 53:6 108:14 Rudnick 6:7 88:2 95:25 rules 56:2,4 69:14	sat 142:6 scenario 101:4 schedule 56:13 59:4,7,10 60:5,11 schedule's 56:13 scholarly 93:11,13 section 42:19 43:7,8, 17,20 49:12 security 128:6 selected 76:3 send 49:13 67:18 82:8 84:5 sending 50:9 54:13 55:8 83:24 sense 51:21 141:7 sentence 22:11 26:6 121:23 134:11 separate 49:18 series 52:18 serve 83:13 85:17 service 12:4,6 services 18:14,17 19:4,10,13 serving 77:22 set 60:17 setting 79:19 share 57:7 shared 106:10 107:2 shook 8:15 shorthand 8:2 11:3 12:9 16:10 21:7 39:13 95:21 104:4 114:10 131:11 143:13 showed 108:25 sic 45:21 117:25 side 88:16 128:25 sideline 53:7 signature 142:10 significant 35:9,10, 11	simultaneous 79:18 simultaneously 79:16 sitting 41:20 48:9 73:16 75:4 122:23 125:11,16 131:14,16, 18,23 132:24 133:2, 20 134:9,17 135:11 136:7 137:2 situation 33:24 107:9 Sixty-one 105:22 130:10,18 Sixty-two 106:3 117:21 something's 9:8 son 126:20,22 speak 13:24 24:20 31:23,25 57:25 86:24 100:7 111:17 speaker 98:14 speaking 18:3 20:8 48:7 98:21 111:5,6,9 112:2 113:7 speaks 87:9 specialist 6:11 specific 38:9 41:18 52:4,11 77:19 98:3 102:9 107:7,13 122:13,14,16,23 specifically 36:16 37:12 38:9,19 40:15 41:21 51:8 54:3 62:21 74:7 86:2 95:5 107:17 122:17,25 125:18 specifics 50:20 speculate 38:16 spoke 13:17 14:9 31:20 87:3 spoken 20:18 23:12 58:13 113:18 Spring 81:18,19,21 82:5,14,16,20,22 83:2,6,7,10 87:22,25 107:21 117:10
--	---	---	---	--

126:19,21,25 141:4,6 142:7,16	30:12 31:7,8	45:24 46:8 51:23 53:18 56:15 119:7	28:16 29:15 40:5 41:15 42:13,16,18,19 43:3,4,5,7,8,17,19,20 44:2,4,6,9,10,13,14 45:13,19,20 46:9,11, 20 47:9 48:7 49:13 50:9,15,16,22 51:16, 19 53:8 54:5,14,17, 25 55:6,11 56:21 57:23 58:7 65:11 75:11 76:2 102:2 104:6,10,24 105:17 106:7,14,25 110:24 112:20 113:2 114:7, 15,23 118:10,16 119:23 122:7,12 123:21,23 124:6,12 127:11 131:23 133:14,16,17 134:5, 20,22 136:9 139:20 140:2 143:14	translator 27:25 28:10 44:15 101:19 102:4 103:11,16 117:16 127:12 128:17
Square 6:7	switching 33:18	thought 21:20 30:10 34:6 36:4 91:6,7,18 117:14 131:7	travel 88:4	trial 59:3
staff 80:13,14,18 81:11 141:2	sworn 7:24 101:19, 22,25 102:3,6,9	thousand 64:16 85:6 91:19	transcription 40:6 58:5	triggered 30:13
stand-alone 101:15	T	time 10:6,20 13:17 24:12,16 26:2,20 27:4,12,19,22 29:10 35:2 36:10 43:10 44:2 49:4,6 51:25 61:21,25 67:22 77:8, 15,19,21 78:3,8 81:18,24 83:15 84:8 86:9 88:21 91:21 104:9 108:17,21 120:19 133:23 136:16,20 137:13,17 138:4,16,17 141:5 143:3,8	transcripts 105:2	true 59:11
start 6:3 98:14,19 113:7	taking 116:15 118:3	timeline 7:14	translate 65:15 93:22 98:16 103:11 128:17	trustee 6:18,22,24 7:2 8:11 21:3 22:8
started 84:8 120:11	talk 10:19 21:22 61:17 85:23 100:10	times 6:7 29:14,17 31:9 34:11,12,19 78:9 80:4 102:5 124:20	translated 53:5 58:11,13 62:5,22 129:25 130:3,24 131:15,17,24 132:25 133:3,6,13,23 134:4, 12 136:10	trustee's 129:12,16 132:9
starting 126:18	talked 54:12 92:9 118:17	tirade 97:24	translating 67:12 98:13,15 100:15 103:17	truth 101:20
state 11:13 39:10 40:3,7 46:15 52:9,15 53:16	talking 10:20 85:20, 24 86:5,15 87:5,7 94:10,11 128:5	today 10:4 11:8,19 12:4 18:17 19:4,10, 13 20:22 23:11 41:20 42:8 48:10,19 49:2 51:24 56:23 58:20 73:16 75:4 83:15 84:9 85:10 91:14,18 92:14,16 122:23 125:12,16 131:14,18, 23 132:24 133:2,20 134:9,17 135:11 136:7 137:2 138:24	translation 22:15 23:8 25:19 26:3,10, 17,24 27:20 28:7 34:7 64:2,7,19,22 66:4 84:3 93:6 97:19 102:18 109:4,14,18, 22 110:8,9 115:23 116:25 118:14 119:4, 11 120:4,24 121:3,6, 9 122:2,15,24 123:4, 15 124:18 125:13 127:5 128:10 129:10, 15,21 131:19 135:13	truthful 11:7
statement 7:9 29:5 32:20 41:11 102:23 103:3,20 123:14	talks 86:11	today's 143:6	translations 99:23 118:4	TSG 6:11,15
statements 29:18,21 30:20 93:21 112:20 115:20 116:15 118:3	tallied 84:10	told 26:2,19 37:8 52:5 90:10 124:19		Tuesday 23:20,23 24:2,23 25:7 73:8,14 74:4,11,19 75:6 83:17 90:21 91:5,10, 20
stating 129:17	telephone 14:25	top 22:11 116:8		turn 22:7 107:15 108:8,25 110:4 114:22 115:22 117:19 118:2,13 121:22 123:7 125:23 126:3,17 129:2 130:6
steno 99:9	telephonic 104:7 139:20,22 140:7	topic 97:11		type 128:5
sticks 39:23	telling 28:23 44:16 45:5 103:21	transactions 117:9		U
stop 116:2	Terrific 11:10 38:10	transcribe 124:13		U.S. 129:12,16 132:8
Street 6:12 11:17	testified 7:19,24 56:21 86:19 122:6,11	transcribed 93:21		UBS 96:6
strike 28:13 89:12 92:23 95:15 125:7	testify 25:6 132:7,12	transcript 7:12		uh-huh 8:17 9:3 25:16 29:6,8 30:8,16, 19 31:12 37:9 38:14, 17 40:11 48:2,13 50:8,12,14,23,25 51:15,17 52:7,10 58:9 62:7 64:5 66:2 70:14 72:15 73:6 78:17 81:8 82:7,12 83:12 85:11 88:8,23 93:2,10 96:22 97:9 100:16 101:8,18 102:14 103:19 106:15 107:22 110:3, 25 112:17 114:9
stuck 47:20	testifying 24:23 25:3 68:20 69:3,24 91:10			
study 93:5	testimonies 41:3			
subject 95:6 141:12, 14	testimony 11:8 19:24 20:19 22:14 23:6,13,22,23 24:4 26:8 44:19 62:21 69:19,20 70:16 72:17 75:6,12 90:11,18 98:8 121:25 124:23 133:8			
subsequent 43:25 46:24	texts 93:11			
sudden 120:11	thing 8:14 10:12,25 25:22 33:6 40:23 47:20 56:3,6 85:5 87:11 113:9 116:21 137:8,10			
suggestion 112:4	things 28:21 35:2 36:2,22,25 38:8 40:9			
Suite 6:13				
suppose 57:11				
supposed 78:6,7				
surprising 91:14				
swear 7:7				
switch 30:2,18				
switched 28:22				

118:5 119:6 121:12 122:5 124:21 139:25 142:15 [REDACTED] unable 133:2 137:6 unclear 9:5,8 understand 9:4,9 11:10 17:8 24:19 26:11 51:22 58:11 66:11,18 67:5 89:21 110:2 understanding 24:22,25 26:12 44:21 91:12 United 96:9,12,16 University 93:7 unlike 113:11 114:4	wanted 55:9 62:20 100:2,6 127:21 Washington 78:7 week 14:11 19:25 27:11 65:22 Wenlong 6:23 Westminster 93:7 [REDACTED] witnesses 59:19 60:21	word 20:11,12 40:13 41:8,10,11 52:4 93:21,22 words 36:16 38:9 51:9 86:12,16 93:22 work 58:2,3 62:5 63:17,21 65:5,17,24 67:17 77:2 79:3 80:21 81:4,5,12,16, 22,25 82:8,16,21,24, 25 83:3,8 84:2,3,7,20 87:23 91:20 92:13,15 93:8,12,13,19,23,24 94:7,20 95:24 142:24 worked 77:8,24 78:9, 14,18 79:5,10 82:3 85:12 90:4 136:21 140:23 141:21 142:8 working 72:8 84:8 89:10 works 8:24 16:4 89:21 141:9 writing 56:19 written 57:2 131:4 wrong 37:16,22 44:17 45:6,7 46:6,18 137:4,7 wrote 40:21 57:11	
<hr/> V <hr/>		<hr/> Y <hr/>	
vague 19:21 20:4,9 22:25 49:7 50:3 72:20 78:24 97:21 106:19 134:13 venue 88:22 verbal 33:18 56:3 114:5 verbally 113:7 124:7, 8 verbals 44:6 video 6:3,11 violate 66:22		year 76:21 79:13 years 72:9 76:18,20, 21,23 138:18,20 Yesterday 31:24 York 6:8,13 117:10 Yvette 80:25 138:15, 16	
<hr/> W <hr/>		<hr/> Z <hr/>	
wait 60:24 61:6,12 98:13,18 Wan 6:5,19 66:14 104:8,12 Wang 80:17,19,22, 24,25 88:11 89:21 138:15,16,24 140:17, 18 142:12,24 Wang's 89:14		Zeisler 7:3,4 57:8 83:23,24,25 84:5 87:22,25 Zeisler's 63:24,25 Zhuge 6:23	